JOURNAL

OF THE

STATE CONVENTION,

AND

ORDINANCES AND RESOLUTIONS

ADOPTED IN MARCH, 1861.

Published by Order of the Convention.

JACKSON, MISSISSIPPI:
E. BARKSDALE, STATE PRINTER.

1861.

JOURNAL

OF THE

STATE CONVENTION,

AND

ORDINANCES AND RESOLUTIONS

ADOPTED IN MARCH, 1861.

Published by Order of the Convention.

JACKSON:
E. BARKSDALE, STATE PRINTER.

1861.

JOURNAL

OF THE

MISSISSIPPI STATE CONVENTION.

MONDAY, March 25, 1861.

In obedience to the proclamation of the Hon. W. S. Barry, President of the Convention of the State of Mississippi, the Convention re-assembled at the Hall of the House of Representatives, in the city of Jackson, this day, at 12 o'clock, M., and was called to order by the President.

Upon a call of the roll fifty-nine members answered to their names.

A quorum being present, the Convention proceeded to business.

The Convention being informed that F. A. Pope, Esq., the Secretary, was detained by sickness and would not be present.

42.7622
M67J
1861

Mr. Tison moved that the Convention go into a new election, and put in nomination W. W. Humphreys, of Columbus.

Mr. Brooke nominated Mr. E. P. Russell, of Jackson.

On motion of Mr. Dyer, the election was postponed until to-morrow.

The President presented to the Convention the following communication from the Hon. Howell Cobb, President of the Convention of the Confederate States:

CONVENTION OF THE CONFEDERATE STATES OF AMERICA,
MONTGOMERY, ALABAMA,
March 12th, 1861.

HON. W. S. BARRY,
JACKSON, MISSISSIPPI:—

SIR: I herewith transmit to you a certified copy of the Constitution of the Confederate States of America, as it was finally adopted by the unanimous vote of the Convention, to be placed before the Convention over which you preside for its approval and ratification.

It will be seen that the Convention here have conformed to the general wish of the people of these States, in adopting a Constitution upon the general principles of the Constitution of the United States. The departures from the provisions of that instrument have been suggested by the experience of the past, and are intended to guard against the evils and dangers which led to the dissolution of the late Union. This Constitution is now submitted with confidence to the State Conventions for their action.

Respectfully,
HOWELL COBB,
President of Convention of C. S. A.

RBC
Mcl

CONSTITUTION

OF THE

CONFEDERATE STATES.

We, the people of the Confederate States, each State acting in its sovereign and independent character, in order to form a permanent federal government, establish justice, insure domestic tranquility and secure the blessings of liberty to ourselves and to our posterity—invoking the favor and guidance of Almighty God—do ordain and establish this Constitution for the Confederate States of America.

ARTICLE I.

SECTION 1.

All legislative powers herein delegated shall be vested in a Congress of the Confederate States, which shall consist of a Senate and House of Representatives.

SECTION 2.

1. The House of Representatives shall be composed of members chosen every second year by the people of the seveeal States; and the electors in each State shall be citizens of the Confederate States, and have the qualifications requisite for electors of the most numerous branch of the State Legislature; but no person of foreign birth, not a citizen of the Confederate States, shall be allowed to vote for any officer, civil or political, State or Federal.

2. No person shall be a Representative, who shall not have attained the age of twenty-five years, and be a citizen of the Confederate States, and who shall not, when elected, be an inhabitant of that State in which he shall be chosen.

3. Representatives and Direct Taxes shall be apportioned among the several States, which may be included within this Confederacy, according to their respective numbers, which shall be determined, by adding to the whole number of free persons, including those bound to service for a term of years, and excluding Indians not taxed, three-fifths of all slaves. The actual enumeration shall be made within three years after the first meeting of the Congress of the Confederate States, and within every subsequent term of ten years, in such manner as they shall, by law, direct. The number of Representatives shall not exceed one for every fifty thousand, but each State shall have at least one Representative; and until such enumeration shall be made, the State of South Carolina shall be entitled to choose six—the State of Georgia ten—the State of Alabama nine—the State of Florida two—the State of Mississippi seven—the State of Louisiana six, and the State of Texas six.

4. When vacancies happen in the representation from any State, the Executive authority thereof shall issue writs of election to fill such vacancies.

5. The House of Representatives shall choose their speaker and officers; and shall have the sole power of impeachment; except that any judicial or other federal officer, resident and acting solely within the limits of any State, may be impeached by a vote of two-thirds of both branches of the Legislature thereof.

Section 3.

1. The Senate of the Confederate States shall be composed of two Senators from each State, chosen for six years by the Legislature thereof, at the regular session next immediately preceding the commencement of the term of service; and each Senator shall have one vote.

2. Immediately after they shall be assembled, in consequence of the first election, they shall be divided as equally as may be into three classes. The seats of the Senators of the first class shall be vacated at the expiration of the second year; of the second class at the expiration of the fourth year; and of the third class at the expiration of the sixth year; so that one-third may be chosen every second year; and if vacancies happen by resignation, or otherwise, during the recess of the Legislature of any State, the Executive thereof may make temporary appointments until the next meeting of the Legislature, which shall then fill all such vacancies.

3. No person shall be a Senator who shall not have attained the age of thirty years, and be a citizen of the Confederate States; and who shall not, when elected, be an inhabitant of the State for which he shall be chosen.

5. The Senate shall choose their other officers; and also a President *pro tempore* in the absence of the Vice President, or when he shall exercise the office of President of the Confederate States.

6. The Senate shall have the sole power to try impeachments. When sitting for that purpose they shall be on oath or affirmation. When the President of the Confederate States is tried, the Chief Justice shall preside; and no person shall be convicted without the concurrence of two-thirds of the members present.

7. Judgment in cases of impeachment shall not extend further than to removal from office, and disqualification to hold and enjoy any office of honor, trust or profit, under the Confederate States; but the party convicted shall, nevertheless, be liable and subject to indictment, trial, judgment and punishment according to law.

SECTION 4.

1. The times, places and manner of holding elections for Senators and Representatives, shall be prescribed in each State by the Legislature thereof, subject to the provisons of this Constitution; but the Congress may, at any time, by law, make or alter such regulations, except as the times and places for choosing Senators.

2. The Congress shall assemble at least once in every year; and such meeting shall be on the first Monday in December, unless they shall, by law, appoint a different day.

SECTION 5.

1. Each House shall be the judge of the elections, returns and qualifications of its own members, and a majority of each shall constitute a quorum to do business; but a smaller number may adjourn from day to day, and may be authorized to compel the attendance of absent members, in such manner and under such penalties as each House may provide.

2. Each House may determine the rules of its proceedings, punish its members for its disorderly behavior, and, with the concurrence of two-thirds of the whole number, expel a member.

3. Each House shall keep a journal of its proceedings, and from time to time publish the same, excepting such parts

as may in their judgment require secresy ; and the yeas and nays of the members of either House, on any question, shall, at the desire of one-fith of those present, be entered on the journal.

4. Neither House, during the session of Congress, shall, without the consent of the other, adjourn for more than three days, nor to any other place than that in which the two Houses shall be sitting.

SECTION 6.

1. The Senators and Representatives shall receive a compensation for their services, to be ascertained by law, and paid out of the treasury of the Confederate States. They shall, in all cases, except treason, felony, and breach of peace, be privileged from arrest during their attendance at the session of their respective Houses, and in going to and returning from the same ; and for any speech or debate in either House, they shall not be questioned in any other place.

2. No Senator or Representative shall, during the time for which he was elected, be appointed to any civil office under the authority of the Confederate States, which shall have been created, and the emoluments whereof shall have been increased during such time ; and no person holding any office under the Confederate States shall be a member of either House during his continuance in office. But Congress may, by law, grant to the principal officer in each of the Executive Departments a seat upon the floor of each House, with the privilege of discussing any measures appertaining to his department.

SECTION 7.

1. All bills for raising revenue shall originate in the House of Representatives ; but the Senate may propose or concur with amendments as on other bills.

2. Every bill which shall have passed both Houses, shall, before it becomes a law, be presented to the President of the Confederate States ; if he approve, he shall sign it ; but if not. he shall return it with his objections to that House in which it shall have originated, who shall enter the objections at large on their journal, and proceed to reconsider it. If, after such reconsideration, two-thirds of that House shall agree to pass the bill, it shall be sent, together with the objections, to the other House, by which it shall likewise be reconsidered, and if approved by two-thirds of that House, it shall become a law. But in all such cases, the votes of

both Houses shall be determined by yeas and nays, and the names of the persons voting for and against the bill shall be entered on the journal of each House respectively. If any bill shall not be returned by the President within ten days (Sundays excepted) after it shall have been presented to him, the same shall be a law, in like manner as if he had signed it, unless the Congress, by their adjournment, prevent its return; in which case it shall not be a law. The President may approve any appropriation and disapprove any other appropriation in the same bill. In such case he shall, in signing the bill, designate the appropriations disapproved; and shall return a copy of such appropriations, with his objection, to the House in which the bill shall have originated; and the same proceedings shall then be had as in case of other bills disapproved by the President.

3. Every order, resolution or vote, to which the concurrence of both Houees may be necessary (except on a question of adjournment) shall be presented to the President of the Confederate States; and before the same shall take effect, shall be approved by him; or being disapproved by him, shall be re-passed by two-thirds of both Houses according to the rules and limitations prescribed in case of a bill.

SECTION 8.

The Congress shall have power—

1. To lay and collect taxes, duties, imposts, and excises, for revenue necessary to pay the debts, provide for the commou defense, and carry on the government of the Confederate States; but no bounties shall be granted from the treasury; nor shall any duties or taxes on importations from foreign nations be laid to promote or foster any branch of industry; and all duties, imposts and excises shall be uniform throughout the Confederate States:

2. To borrow money on the credit of the Confederate States:

3. To regulate commerce with foreign nations, and among the several States, and with the Indian tribes; but neither this, nor any other clause contained in the Constitution, shall ever be construed to delegate the power to Congress to appropriate money for any internal improvement intended to faciliate commerce; except for the purpose of furnishing lights, beacons, and buoys, and other aids to navigation upon the coasts, and the improvement of harbors and the removing of obstructions in river navigation, in all which cases, such duties shall be laid on :he navigation facilitated thereby, as may be necessrry to pay the costs and expense thereof:

4. To establish uniform laws of naturalization, and uniform laws ou the subject of bankruptcies, throughout the Confederate States, but no law of Congress shall discharge any debt contracted before the passage of the same:

5. To coin money, regulate the value thereof and of foreign coin, and fix the standard of weights and measures:

6. To provide for the punishment of counterfeiting the securities and current coin of the Confederate States:

7. To establish postoffices and post routes; but the expenses of Postoffice Department, after the first day of March in the year of our Lord eighteen hundred and sixty-three, shall be paid out of its own revenues:

8. To promote the progress of science and useful arts, by securing for limited times to authors and inventors the exclusive right to their respective writings and discoveries:

9. To constitute tribunals inferior to the Supreme Court:

10. To define and punish piracies and felonies committed on the high seas, and offences against the law of nations:

11. To decclare war, grant letters of marque and reprisals, and make rules concerning captures on land and water:

12. To raise and support armies; but no appropriation of money to that use shall be for a longer term than two years:

13. To provide and maintain a navy:

14. To make rules for the government and regulation o the land and naval forces:

15. To provide for calling forth the militia to execute the laws of the Confederate States, suppress insurrections, and repel invasions:

16. To provide for organizing, arming, and disciplining the militia, and for governing such part of them as may be employed in the service of the Confederate States; reserving to the States, respectively, the appointment of the officers, and the authority of training the militia according to the discipline prescribed by Congress:

17. To exercise exclusive legislation, in all cases whatsoever, over such district (not exceeding ten miles square) as may, by cession of one or more States and the acceptance of Congress, become the seat of the Government of the

Confederate States; and to exercise like authority over all places purchased by the consent of the Legislature of the State in which the same shall be, for the erection of forts, magazines, arsenals, dockyards, and other needful buildings: and

18. To make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this Constitution in the government of the Confederate States, or in any department or officer thereof.

SECTION 9.

1. The importation of negroes of the African race, from any foreign country, other than the slaveholding States or Territories of the United States of America, is hereby forbidden; and Congress is required to pass such laws as shall effectually prevent the same.

2. Congress shall also have power to prohibit the introduction of slaves from any State not a member of, or Territory not belong to, this Confederacy.

3. The privilege of the writ of habeas corpus shall not be suspended, unless when in cases of rebellion or invasion the public safety may require it.

4. No bill of attainder, *ex post facto* law, or law denying or impairing the right of property in negro slaves shall be passed.

5. No capitation or other direct tax shall be laid, unless in porportion to the census or enumeration hereinbefore directed to be taken.

6. Nor tax or duty shall be laid on articles exported from any State, except by a vote of two-thirds of both Houses.

7. No preference shall be given by any regulation of commerce or revenue to the ports of one State over those of nother.

8. No money shall be drawn from the treasury, but in consequence of appropriutions made by law; and a regular statement and account of the receipts and expenditures of all public money shall be published from time to time.

9. Congress shall appropriate no money from the treasury except by a vote of two-thirds of both Houses, taken by yeas and nays, unless it be asked and estimated for by some one of the heads of Department, and submitted to Congress by the President; or for the purpose of paying its own expenses and contingencies; or for the payment of claims against the Confederate States, the justice of which shall have been judicially declared by a tribunal for the investigation of claims against the government, which is hereby made the duty of Congress to establish.

10. All bills appropriating money shall specify in federal currency the exact amount of each appropriation and the purposes for which it is made ; and Congress shall grant no extra compensation to any public contractor, officer, agent or servant, after such contract shall have been made or such service rendered.

11. No title of nobility shall be granted by the Confederate States ; and no person holding any office of profit or trust under them, shall without the consent of the Congress accept of any present, emolument, office or title of any kind whatever from any king, prince or foreign State.

12. Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abriding the freedom of speech, or of the press ; or the right of the people peaceably to assemble and petition the government for a redress of grievances.

13. A well regulated militia being necessary to the security of a free State, the right of the people to keep and bear arms shall not be infringed.

14. No soldier shall, in time of peace, be quartered in any house without the consent of the owner ; nor in time of war but in a manner to be prescribed by law.

15. The right of the people to be secure in their persons, houses, papers, and effects against unreasonable searches and seizures, shall not be violated ; and no warrants shall issue but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

16. No person shall be held to answer for a capital or otherwise infamous crime, unless on a presentment or indictment of a grand jury, except in cases arising in the land or naval forces, or in the militia, when in actual service, in time of war or public danger ; nor shall any person be subject for the same offence to be twice put in jeopardy of life or limb ; nor be compelled, in any criminal case, to be a witness against himself ; nor be deprived of life, liberty, or property, without due process of law ; nor shall private property be taken for public use, without just compensation.

17. In all criminal prosecutions the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation ; to be confronted with the witnesses against him ; to have compulsory process for abtaining witnesses in his favor ; and to have the assistance of counsel for his defence.

18. In suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved; and no fact so tried by a jury shall be otherwise re-examined in any court of the Confederacy than according to the rules of the common law.

19. Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments be inflicted.

20. Every law or resolution having the force of law, shall relate to but one subject, and that shall be expressed in the title.

SECTION 10.

1. No State shall enter into any treaty, alliance, or confederation; grant letters of marque and reprisal; coin money; make any but gold and silver coin a tender in payment of debts; pass any bill of attainder, or *ex post facto* law, or law impairing the obligation of contracts; or grant any title of nobility.

2. No State shall, without the consent of the Congress lay any imposts or duties on imports or exports, except what may be absolutely necessary for executing its inspection laws, and the nett produce of all duties and imposts laid by any State on imports or exports, shall be for the use of the treasury of the Confederate States; and all such laws be subject to the revision and control of Congress.

3. No State shall, without the consent of Congress, lay any duty on tonnage, except on sea-going vessels, for the improvement of its rivers and harbors navigated by the said vessels; but such duties shall not conflict with any treaties of the Confederate States with foreign nations; and any surplus revenue, thus derived, shall, after making such improvement, be paid into the common treasury. Nor shall any state keep troops or ships of war in time of peace, enter into any agreement or compact with another state, or with a foreign power, or engage in war, unless actually invaded, or in such imminent danger as will not admit of delay. But when any river divides or flows through two or more States, they may enter into compacts with each other to improve the navigation thereof.

ARTICLE II.

SECTION I.

1. The executive power shall be vested in a President of the Confederate States of America. He and the Vice-President shall hold their offices for the term of six years; but the President shall not be re-eligible. The President and Vice-President shall be elected as follows:

2. Each State shall appoint, in such manner as the legislature thereof may direct, a number of electors equal to the whole number of Senators and Representatives to which the State may be entitled in the Congress; but no Senator or Representative, or person holding an office of trust or profit under the Confederate States, shall be appointed an elector.

3. The electors shall meet in their respective States and vote by ballot for President and Vice-President, one of whom, at least, shall not be an inhabitant of the same State with themselves; they shall name in their ballots the person voted for as President, and in distinct ballots the person voted for as Vice-President, and they shall make distinct lists of all persons voted for as President, and of all persons voted for as Vice-President, and of the number of votes for each, which lists they shall sign and certify, and transmit, sealed, to the seat of the government of the Confederate States, directed to the President of the Senate; the President of the Senate shall, in the presence of the Senate and House of Representatives, open all the certificates, and the votes shall then be counted; the person having the greatest number of votes for President shall be the President, if such number be a majority of the whole number of electors appointed; and if no person have such majority, then, from the persons having the highest numbers, not exceeding three, on the list of those voted for as President, the House of Representatives shall choose immediately, by ballot, the President. But in choosing the President, the votes shall be taken by states, the representation from each state having one vote; a quorum for this purpose shall consist of a member or members from two-thirds of the states, and a majority of all the states shall be necessary to a choice. And if the House of Representatives shall not choese a President, whener the right of choice shall devolve upon them, before the fourth day of March next following, then the Vice-President shall act as President, as in case of the death, or other constitutional disability of the President.

4. The person having the greatest number of votes as Vice-President, shall be the Vice-President, if such nnmber be a majority of the whole number of electors appointed; and if no person have a majority, then, from the two highest numbers on the list the Senate shall choose the Vice-President; a quorum for the purpose shall consist of two-thirds of the whole number of Senators, and a majority of the whole number shall be necessary to a choice.

5. But no person constitutionally ineligible to the office of President shall be eligible to that of Vice-President of the Confederate States.

6. The Congress may determine the time of choosing the electors, and the day on which they shall give their votes; which day shall be the same throughout the Confederate States.

7. No person except a natural-born citizen of the Confederate States, or a citizen thereof, at the time of the adoption of this Constitution, or a citizen thereof born in the United States prior to the 20th of December, 1860, shall be eligible to the office of President; neither shall any person be eligible to that office who shall not have attained the age of thirty-five years, and been fourteen years a resident within the limits of the Confederate States, as they may exist at the time of his election.

8. In case of the removal of the President from office, or of his death, resignation, or inability to discharge the powers and duties of the said office, the same shall devolve on the Vice-President; and the Congress may, by law, provide for the case of removal, death, resignation, or inability both of the Presideut and Vice-President, declaring what officer shall then act as President, and such officer shall act accordingly until the disability be removed or a President shall be elected.

9. The President shall, at stated times, receive for his services a compensation, which shall neither be increased nor diminished during the period for which he shall have been elected; and he shall not receive within that period any other emolument from the Confederate States, or any of them.

10. Before he enters on the execution of his office, he shall take the following oath or affirmation:

"I do solemnly swear (or affirm) that I will faithfully execute the office of President of the Confederate States, and will to the best of my ability, preserve, protect, and defend the constitution thereof."

SECTION 2.

1. The President shall be commander-in-chief of the army and navy of the Confederate States, and of the militia of the several States, when called into the actual service of the Confederate States; he may require the opinion in writing, of the principal officer in each of the Executive Departments, upon any subject relating to the duties of their respective offices; and he shall have power to grant reprieves and pardons for offences against the Confederate States, except in cases of impeachment.

2. He shall have power, by and with the advice and consent of the Senate, to make treaties, provided two-thirds of the Senators present concur; and he shall nominate, and by and with the advice and consent of the Senate, shall appoint embassadors and other public ministers and consuls, Judges of the Supreme Court, and all other officers of the Confederate States, whose appointments are not herein otherwise provided for, and which shall be established by law; but the Congress may, by law, vest the appointment of such inferior officers, as they think proper, in the President alone, in the courts of law or in the heads of departments.

3. The principal officer in each of the Executive Departments, and all persons connected with the diplomatic service, may be removed from office at the pleasure of the President. All other civil officers of the Executive Department may be removed at any time by the President, or for dishonesty, incapatity, inefficiency, misconduct, or neglect of duty; and when so removed, the removal shall be reported to the Senate, together with the reasons therefor.

4. The President shall have power to fill all vacancies that may happen during the recess of the Senate, by granting commissions which shall expire at the end of their next session; but no person rejected by the Senate shall be reappointed to the same office during their ensuing recess.

SECTION 3.

1. The President shall, from time to time, give to the Congress information of the state of the Confederacy, and recommend to their consideration such measures as he shall judge necessary and expedient; he may, on extraordinary occasions, convene both Houses, or either of them; and in case of disagreement between them, with respect to the time of adjournment, he may adjourn them to such time as he shall think proper; he shall receive ambassadors and other public ministers; he shall take care that the laws be faithfully executed, and shall commission all the officers of the Confederate States.

SECTION 4.

1. The President, Vice-President, and all civil officers of the Confederate States, shall be removed from office on impeachment for, and conviction of, treason, bribery, or other high crimes and misdemeanors.

ARTICLE III.

Section 1.

1. The judicial power of the Confederate States shall be vested in one Supreme Court, and in such Inferior Courts as the Congress may from time to time ordain and establish. The judges, both of the Supreme and Inferior Courts, shall hold their offices during good behavior, and shall, at stated times, receive for their services a compensation, which shall not be diminished during their continuance in office.

Section 2.

1. The judicial power shall extend to all cases arising under this Constitution, the laws of the Confederate States, and treaties made or which shall be made under their authority; to all cases affecting ambassadors, other public ministers and consuls; to all cases of admiralty and maritime jurisdiction; to controversies to which the Confederate States shall be a party; to controversies between two or more States; between a State and citizen of another State where the State is plaintiff; between citizens claiming lands under grants of different States; and between a State or the citizens thereof, and foreign States, citizens or subjects; but no State shall be sued by a citizen or subject of any foreign State.

2. In all cases affecting ambassadors, other public ministers, and consuls, and those in which a State shall be a party, the Supreme Court shall have original jurisdiction. In all the other cases before mentioned, the Supreme Court shall have appellate jurisdiction, both as to law and fact, with such exceptions, and under such regulations, as the Congress shall make.

3. The trial of all crimes, except in cases of impeachment, shall be by jury, and such trial shall be held in the State where the said crimes shall have been committed; but when not committed within any State, the trial shall be at such place or places as the Congress may by law have directed.

Section 3.

1. Treason against the Confederate States shall consist only in, levying war against them, or in adhering to their enemies, giving them aid and comfort. No person shall be convicted of treason unless on the testimony of two witnesses to the same overt act, or on confession in open court.

2. The Congress shall have power to declare the punishment of treason, but no attainder of treason shall work corruption of blood, or forfeiture, except during the life of the person attainted.

ARTICLE IV.

Section 1.

1. Full faith and credit shall be given in each State to the public acts, records and judicial proceedings of every other State. And the Congress may, by general laws, prescribe the manner in which such acts, records, and proceedings shall be proved, and the effect thereof.

Section 2.

1. The citizens of each State shall be entitled to all the privileges and immunities of citizens in the several States, and shall have the right of transit and sojourn in any State of this Confederacy, with their slaves and other property: and the right of property in said slaves shall not be thereby impaired.

2. A person charged in any State with treason, felony, or other crime against the laws of such State, who shall flee from justice, and be found in another State, shall, on demand of the Executive authority of the State from which he fled, be delivered up, to be removed to the State having urisdiction of the crime.

3. No slave or other person held to service or labor in any State or Territory of the Confederate States, under the laws thereof, escaping or lawfully carried into another, shall, in consequence of any law or regulation therein, be discharged from such service or labor: but shall be delivered up on claim of the party to whom such slave belongs, or to whom such service or labor may be due.

Section 3.

1. Other States may be admitted into this Confederacy by a vote of two-thirds of the whole House of Representatives, and two-thirds of the Senate, the Senate voting by States; but no new State shall be formed or erected within the jurisdiction of any other State; nor any State be formed by the junction of two or more States, or parts of States, without the consent of the legislatures of the States concerned, as well as of the Congress.

2. The Congress shall have power to dispose of and make all needful rules and regulations concerning the property of the Confederate States, including the lands thereof.

3. The Confederate States may acquire new territory; and Congress shall have power to legislate and provide governments for the inhabitants of all territory belonging to the Confederate States, lying without the limits of the several States; and may permit them, at such times, and in

such manner as it may by law provide, to form States to be admitted into the Confederacy. In all such territory, the institution of negro slavery as it now exists in the Confederate States, shall be recognized and protected by Congress, and by the territorial government: and the inhabitants of the several Confederate States and Territories, shall have the right to take to such territory any slaves lawfully held by them in any of the States or territories of the Confederate States.

4. The Confederate States shall guaranty to every State that now is or hereafter may become a member of this Confederacy, a republican form of government, and shall protect each of them against invasion; and on application of the legislature (or of the Executive when the legislature is not in session) against domestic violence.

ARTICLE V.

Section 1.

1. Upon the demand of any three States, legally assembled in their several conventions, the Congress shall summon a convention of all the States, to take into consideration such amendments to the Constitution as the said States shall concur in suggesting at the time when the said demand is made; and should any of the proposed amendments to the Constitution be agreed on by the said convention—voting by States—and the same be ratified by the legislatures of two-thirds of the several States, or by conventions in two-thirds thereof—as the one or the other mode of ratification may be proposed by the general convention—they shall thenceforward form a part of this Constitution. But no State shall, without its consent, be deprived of its equal representation in the Senate.

ARTICLE VI.

1. The Government established by this Constitution is the successor of the Provisional Government of the Confederate States of America, and all the laws passed by the latter shall continue in force until the same shall be repealed or modified; and all the officers appointed by the same shall remain in office until their successors are appointed and qualified, or the offices abolished.

2. All debts contracted, and engagements entered into before the adoption of this Constitution shall be as valid against the Confederate States under this Constitution as under the Provisional Government.

3. This Constitution, and the laws of the Confederate States, made in pursuance thereof, and all treaties made, or which shall be made under the authority of the Confederate States, shall be the supreme law of the land; and the judges in every State shall be bound thereby, anything in the constitution or laws of any State to the contrary notwithstanding.

4. The Senators and Representatives before mentioned, and the members of the several State legislatures, and all executive and judicial officers, both of the Confederate States, and of the several States, shall be bound by oath or affirmation, to support this Constitution; but no religious test shall ever be required as a qualification to any office or public trust under the Confederate States.

5. The enumeration, in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people of the several States.

6. The powers not delegated to the Confederate States by the Constitution, nor prohibited by it to the States, are reserved to the States, respectively, or to the people thereof.

ARTICLE VII.

1. The ratification of the conventions of five States shall be sufficient for the establishment of this Constitution between the States so ratifying the same.

2. When five States shall have ratified this Constitution, in the manner before specified, the Congress under the Provisional Constitution, shall prescribe the time for holding the election of President and Vice-President; and, for the meeting of the Electoral College; and, for counting the votes, and inaugurating the President. They shall, also, prescribe the time for holding the first election of members of Congress under this Constitution, and the time for assembling the same. Until the assembling of such Congress, the Congress under the Provisional Constitution shall continue to exercise the legislative powers granted them; not extending beyond the time limited by the Constitution of the Provisional Government.

On motion of Mr. Harris, the Constitution accompanying the communication was referred to a select committee of five, and two hundred copies ordered to be printed for the use of the Convention.

The President appointed as said committee Messrs. Glenn, Yerger, George, Jones and O. Davis.

Mr. Smart offered the following resolution:

Resolved, That the Military Board be and they are hereby authorized and empowered to transfer to the government of the Confederate States such of the Volunteer companies of this State as may be willing and consent to volunteer and enlist in the service of that government on the terms prescribed by it; and that such volunteers, without reference to the regimental districts defined by the Military Ordinance, shall be formed into battalions or regiments, and elect the field officers for such organizations.

On his motion the resolution was referred to the Military committee.

Mr. Rogers introduced a resolution in relation to the pay of certain military companies therein named for their services at Pensacola.

On his motion, the resolution was adopted.

Mr. George offered the following resolution:

Resolved, That the special committee of five, to whom was referred the Permanent Constitution for the Confederate States of America, be instructed to report to this Convention at 10 o'clock to-morrow morning, an ordinance providing for the ratification of said Constitution by this body on behalf of the State of Mississippi.

Mr. Clayton, of Lowndes, offered "An Ordinance to provide for the election of delegates by the people of the State of Mississippi, to ratify in convention a Constitution for a permanent government of the Confederate States of America, as an amendment by way of substitute for the resolution.

Mr. Yerger offered, "An Ordinance to provide for the ratification or rejection of the Permanent Constitution by the people at the ballot box, and also for the ratification or rejection by the people of the ordinance proposed," as a substitute for the substitute offered by Mr. Clayton, of Lowndes.

Mr. Glenn submitted an Ordinance entitled, "An Ordinance to adopt and ratify by this Convention the Permanent Constitution," as a substitute for the resolution and amendments proposed.

Mr. Brooke offered the following resolution:

Resolved, That the committee to whom was referred the Permanent Constitution, adopted at Montgomery, be instructed to report an Ordinance referring said Constitution directly to the people at the ballot-box for ratification or rejection.

On motion of Mr. Davis, of Tippah, the various propositions before the Convention were referred to the special committee of five on Permanent Constitution.

On motion of Mr. Yerger, the vote referring the resolution offered by Mr. Smart to the Military committee was reconsidered.

Mr. Yerger offered the following amendment to said resolution, which was adopted to-wit:

And upon such transfer and entry into the service of the Confederate States, said volunteers shall be considered mustered out of, and discharged from military service under the Ordinance of this Convention authorizing the creation and organization of a Volunteer Division for the service of the State of Mississippi.

Pending the adoption of the resolution as amended, the Convention adjourned until 10 o'clock, to-morrow morning.

TUESDAY, March 26th, 1861.

The Convention met pursuant to adjournment. The Journal of yesterday was read and approved.

Mr. Brooke presented an Ordinance to repeal the Ordinance entitled an "Ordinance to regulate the Military System of the State of Mississippi," and an "Ordinance to raise means for the defense of the State."

On his motion the Ordinance was laid on the table and two hundred copies ordered to be printed.

The Convention proceeded to the consideration of the unfinished business, to-wit:

The resolution offered by Mr. Brooke on yesterday, that the committee to which was referred the Permanent Constitution, adopted at Montgomery, be instructed to report an Ordinance referring said Constitution directly to the people, at the ballot-box, for ratification or rejection.

Mr. Glenn moved to lay the resolutiou on the table, which was decided in the negative by yeas and nays as follows:

YEAS–Mr. President, Messrs. Baldwin, Backstrom, Booth, Berry, Catchings, O. Davis, Dease, Dyer, Deason, Eckford, George, Glenn, Gwin, Harris, Hill, Holt, Hurst, Isom, Jones, Keirn, Lea, Lamar, Lewis, McGhee, of Bolivar, Miller, of Tunica, Neely, Nelson, Orr, Semmes, Terral, Thompson, Vaughan, Witty, Wilkinson and Woods—37.

NAYS—Messrs. Barksdale, Brooke, Beene, Blair, Bonds, Bullard, Clayton, of Lowndes, Cummings, Colbert, J. S. Davis, Denson, Douglas, Edwards, Farrar, Flourney, Fontaine, Gholson, Herring, Johnston, of De Soto, Keith, Kennedy, King, Lewers, McGhee, of Panola, Miller, of Pontotoc, Parker, Powell, of Jones, Rogers, Sanders, Sumner, Stephens, Tison, Taylor, Thornton, Winchester, Wood, of Attala, Wright, Yerger and Young—40.

Mr. Clayton, of Lowndes, offered an Ordinance as a substitute for the resolution offered by Mr. Brooke, entitled an Ordinance to provide for the election of delegates by the people of the State of Mississippi to ratify in Convention a Constitution for a permanent government of the Confederate States of America.

On motion of Mr. Glenn, the substitute was laid on the table by yeas and nays as follows:

YEAS—Mr. President, Messrs. Baldwin, Backstrom, Booth, Brooke, Blair, Berry, Catchings, Colbert, O. Davis, Dease, Douglas, Dyer, Deason, Eckford, George, Glenn, Gwin, Harris, Hill, Holt, Hurst, Isom, Johnston, of De Soto, Jones, Keirn, Keith, Lea, Lamar, Lewis, McGhee, of Bolivar, McGhee, of Panola, Miller, of Tunica, Neely, Nelson, Orr, Parker, Powell, of Jones, Semmes, Terral, Thompson, Vaughan, Witty, Wilkinson and Woods—45.

NAYS—Messrs. Anderson, Barksdale, Beene, Bonds, Bullard, Clayton, of Lowndes, Cummings, J. S. Davis, Edwards, Farrar, Flourney, Fontaine, Gholson, Herring, King, Kennedy, Lewers, Miller, of Pontotoc, Rogers, Sanders, Sumner, Stephens, Tison, Taylor, Thornton, Winchester, Woods, of Attala, Wright, Yerger and Young—30.

Pending further action on the resolution offered by Mr. Brooke, Mr. Glenn asked the unanimous consent of the Convention to make a report from the committee to whom

was referred the Constitution of the Confederate States of America.

Objections being made, the question was put to the Convention and decided in the affirmative.

Mr. Glenn then submitted the following report:

MR. PRESIDENT:—

The committee to whom was referred the Constitution of the Confederate States of America, have had the same under consideration and have instructed me to report an Ordinance providing for the adoption and ratification by the State of Mississippi, acting in its sovereign and independent character, the Constitution adopted by the Congress at Montgomery, in the State of Alabama, in the year of our Lord, 1861, and to recommend its passage.

Mr. Yerger, from the same committee, made a minority report, and with his report, "an Ordinance to provide for the ratification or rejection of the Permanent Constitution, by the people at the ballot-box; and, also, for the ratification or rejection, by the people, at the ballot-box, of the Ordinance proposed."

On motion of Mr. Wood, of Attala, the majority report was received.

Question on agreeing, Mr. Wood, of Attala, offered "an Ordinance to provide for submitting the permanent Constitution of the Confederate States of America, to the people of the State of Mississippi," as a substitute for the Ordinance reported by the majority committee.

Pending further action, on motion, the Convention adjourned until 3 o'clock P. M.

THREE O'CLOCK, P. M.

The Convention met pursuant to adjournment.

The President announced that he had received from Mr. F. A. Pope his resignation as secretary of the Convention.

The resignation was received, and, on motion of Mr. Glenn, the Convention proceeded to the election of a secretary to fill the vacancy.

On his further motion, Mr. E. P. Russell, of Jackson, was elected secretary by acclamation.

On motion of Mr. Brooke, the Ordinance to repeal an Ordinance entitled, "An Ordinance to regulate the military

system of the State of Mississippi," and an "Ordinance to raise means for the defense of the State," was called from the table, and on motion of Mr. Holt, was referred to the military committee.

The Convention resumed the consideration of the unfinished business pending the adjournment, to-wit:

The Ordinance offered by Mr. Wood, of Attala, as a substitute for the Ordinance reported by the majority committee on the permanent Constitution.

Pending the action, on motion, the Convention adjourned until 10 o'clock, to-morrow morning.

WEDNESDAY, March 27th, 1861.

The Convention met pursuant to adjournment.

The Journal of yesterday was read and approved.

The President presented to the Convention the following communications from the Hon. W. S. Wilson and Jas. S. Johnston, to-wit:

Port Gibson, March 22d, 1861.

Hon. W. S. Barry,

President of the Convention:—

Sir: As it is very doubtful whether I should be able to attend the adjourned session of the Congress, at Montgomery, in May, I have felt it to be my duty to tender the resignation of my seat. Will you be good enough to make this known to the Convention, and to express to them my appreciation of the honor which was done me by the appointment. Very respectfully yours, &c.,

W. S. WILSON.

Church Hill, March 24th, 1861.

Hon. W. S. Barry,

President of the Convention:—

Dear Sir: I deeply regret to say that in consequence of the severe and continued illness of my wife, and upon consultation with her medical adviser, I shall be under the painful necessity of absenting myself from the sittings of the approaching Convention. Nothing, I assure you, but a distressing domestic affliction, would be permitted to de-

tain me from my seat. Perceiving no prospect of any such early or material improvement in the condition of my wife's health as would justify me in leaving home for any length of time, I deem it my duty to resign the seat in your body with which I have been honored by the people of Jefferson.

Very respectfully your obedient servant,

JAS. S. JOHNSTON.

On motion of Mr. Glenn, the communications were received and laid on the table.

On his further motion, the regular business was suspended to enable him to introduce an Ordinance to authorize the entry and sale of waste and unappropriated lands in the State of Mississippi.

The Ordinance was read the first time and second time, and on motion of Mr. O. Davis, was referred to a select committee of three, composed of Messrs. Glenn, O. Davis and Yerger.

The President appointed Messrs. Orr and Winchester to fill the vacancies on the military committee.

Mr. Brooke introduced an Ordinance in relation to Foreign Insurance companies, which was read the first time.

On his motion the rule was suspended and the Ordinance adopted.

The Convention proceeded to the consideration of the unfinished business, to-wit:

The amendment offered by Mr. Wood of Attala, by way of substitute for the Ordinance reported by the select committee to whom was referred the Constitution of the Confederate States, adopted by the Congress, at Montgomery, Alabama.

Mr. Fontaine offered an amendment to the amendment as a substitute, entitled, "An Ordinance to provide for the assembling of a convention of the people of Mississippi to ratify the permanent Constitution of the Confederate States.

Pending the question on the amendment to the amendment, on motion of Mr. Glenn, the Convention adjourned until 3 o'clock, P. M.

Mr. Clayton, of Lowndes, being entitled to the floor.

THREE O'CLOCK, P. M.

The Convention met pursuant to adjournment.

On motion of Mr. Dyer,

Resolved, That the President of this Convention be, and he is hereby requested to have a Confederate Flag made and hoisted.

Mr. Barksdale, from the committee on enrolled Ordinances, made the following report:

MR. PRESIDENT:—

The committee on Enrolled Ordinances have this day examined, an Ordinance to revise and amend the law in relation to Foreign Insurance Companies. Also, a resolution in relation to certain volunteer companies therein named, and found the same correctly enrolled.

The Convention resumed the consideration of the unfinished business pending the adjournment, to-wit:

The report of the committee on the permanent Constitution adopted at Montgomery.

The question being on the adoption of the amendment offered by Mr. Fontaine, as a substitute for the amendment offered by Mr. Wood, of Attala.

Pending the question, on motion the Convention adjourned until eight o'clock, P. M.

Mr. Harris being entitled to the floor.

EIGHT O'CLOCK, P. M.

The Convention met pursuant to adjournment.

On motion of Mr. Flourney,

Resolved, That the debate on the various matters proposed for the ratification of the Constitution adopted at Montgomery, be closed at one o'clock, to-morrow, and that the Convention then proceed to take a vote.

The Convention resumed the consideration of the unfinished busines, pending the adjournment, to-wit:

The report of the select committee of five on the permanent Constitution.

The question being on the adoption of the amendment of Mr. Fontaine, as a substitute for the amendment of Mr. Wood, of Attala.

Pending the question, on motion of Mr. Clayton, of Marshall, the Convention adjourned until 9 o'clock, to-morrow morning.

Mr. Wright being entitled to the floor.

THURSDAY, March 28th, 1861.

The Convention met pursuant to adjournment.

The Journal of yesterday was read and approved.

The Convention resumed the consideration of the unfinished business, pending the adjournment, to-wit:

The report of the select committee of five on the permanent Constitution.

The question being on the adoption of the amendment of Mr. Fontaine, as a substitute for the amendment of Mr. Wood, of Attala.

On motion of Mr. Clapp, the further consideration of the unfinished business was suspended to enable him to introduce the following resolution:

Resolved, That the resolution adopted on yesterday, "that the debate on the various matters proposed for the ratification of the Constitution be closed at one o'clock, to-day," be and the same is hereby rescinded.

On his further motion, the resolution was adopted.

The Convention again resumed the consideration of the unfinished business.

Pending further action, on motion of Mr. Wright, the Convention adjourned until 3 o'clock, P. M.

Mr. Rogers being entitled to the floor.

THREE O'CLOCK, P. M.

The Convention met pursuant to adjournment.

Mr. Glenn from the select committee to whom was referred an Ordinance to authorize the entry and sale of waste and unappropriated lands in the State of Mississippi, reported the same back to the Convention with amendments and recommended its passage as amended, which was received and agreed to, and the Ordinance as amended read the first time.

On his motion, the rule was suspended and the Ordinance passed as amended.

Mr. Glenn, by leave, introduced an Ordinance in relation to the Land Office, at Paulding, in Jasper county, which was read the first time and laid on the table.

Mr. Bullard offered the following resolutions, which were unanimously adopted, to-wit:

Resolved, by the People of Mississippi in Convention as-

sembled, That the prompt response of the gallant Mississippi Volunteers to the call of the President of the Confederate States, deserves the highest commendation of the Convention, and gives the strongest assurance of attachment of the people of Mississippi to the common cause.

2d. That the Convention deems it proper to convey to the Volunteers the assurance that Mississippi will promptly attach herself to the Confederacy to whose standard her citizen soldiers are rallying.

3d. That the President of this Convention Telegraph these resolutions to the officers in command of the Volunteers at Mobile, and request him to cause them to be read at the heads of companies.

On motion of Mr. Deason,

Resolved, That a committee of three be appointed to take into consideration the propriety of purchasing a sufficient quantity of corn for the poor of the different counties of this State, and report by resolution or otherwise.

The President appointed as said committee, Messrs. Deason, Taylor and Harris.

Mr. Glenn introduced the following resolution:

WHEREAS, reliable and satisfactory information has been laid before this Convention that many members of the bar, and many suitors in the courts of this State, are now absent in the service of the Confederate States; therefore be it

Resolved, by the Convention of the people of Mississippi, That the judges of the various circuit courts of this State, as well as the justices of the peace, be and they are hereby earnestly requested and recommended as well as authorized to suspend the sessions of their tribunals as to the trial of civil and chancery cases in court, during the spring and summer of the present year; *provided*, that such courts shall proceed to the trial of all criminal causes in said courts according to the due course of law.

On his motion the resolution was laid on the table for the present.

The Convention resumed the consideration of the unfinished business pending the adjournment, to-wit:

The report of the select committee of five on the permanent Constitution.

The question being on the adoption of the amendment of Mr. Fontaine as a substitute for the amendment of Mr. Wood, of Attala, to the report of said committee.

Pending the question, on motion of Mr. Flourney the Convention adjourned until 8 o'clock, P. M.

EIGHT O'CLOCK, P. M.

The Convention met pursuant to adjournment.

Mr. George, by leave, introduced an Ordinance in relation to judgments and decrees heretofore rendered, and suits pending in the Federal courts lately existing in this State and the records thereof, which was read the first time, and, on his motion laid on the table and two hundred copies ordered to be printed.

On motion of Mr. Jones, of Sunflower,

Resolved, That the debate on the permanent Constitution of the Confederate States shall close, and a vote be taken on the questions involved, at or before the hour of 10 o'clock, A. M., to-morrow, the 29th inst., and that no further postponement be allowed.

Mr. Fontaine, from the military committee made the following report:

MR. PRESIDENT:—

The military committee to whom was referred an Ordinance to repeal an Ordinance to regulate the military system of the State, have had the same under consideration, and have instructed me to report it back to the Convention with a recommendation that it do not pass.

On his motion the report was received and agreed to.

Mr. Barksdale from the committee on enrolled Ordinances made the following report:

MR. PRESIDENT:—

The committee on enrolled Ordinances have examined an Ordinance to authorize the entry and sale of waste and unappropriated lands in the State of Mississippi; also, resolutions in relation to the Mississippi Volunteers, and found the same correctly enrolled.

The Convention resumed the consideration of the unfinished business, to-wit:

The report of the select committee of five on the permanent Constitution.

The question being on the adoption of the amendment of Mr. Fontaine, as a substitute for the amendment of Mr. Wood, of Attala, to the report of said committee.

Pending the question, Mr. Gholson moved that the Convention adjourn until 9 o'clock, to-morrow morning.

Pending the motion to adjourn, Mr. J. S. Davis, by leave offered the following resolution:

Resolved, That this Convention adjourn, *sine die*, on Saturday, the 30th inst., at 6 o'clock, P. M.

Mr. Gholson moved to lay the resolution on the table.

Pending the motion the Convention adjourned until nine o'clock, to-morrow morning.

FRIDAY, MARCH 29th, 1861.

The Convention met pursuant to adjournment.

The Journal of yesterday was read and approved.

The President presented to the Convention the following communication from the Governor:

EXECUTIVE OFFICE, Jackson, March 28th, 1861.

HON. W. S. BARRY,

President of the Convention:—

Sir: I would, through you, respectfully call the attention of the Convention to the distressing condition of a large portion of the people of the central counties of this State, from Leake and Attala to the sea shore. The excessive drought of last summer ruined their crops, both corn and cotton, and a considerable number of the people of that district have not corn enough to enable them to live, and are without the means or credit to purchase bread.

Knowing that it is only necessary for these facts to be presented to the Convention to induce them to extend to the destitute the aid required. I have deemed it my duty to ask an investigation of the matter, and if the facts are as I am informed and believe, I regard them as sufficient to warrant me in invoking the full power of the State to apply the remedy, and to effect that I would respectfully submit the following suggestions: First, that extraordinary powers be given to the Boards of Police of such counties as are

destitute of corn, to use all county funds, school funds, &c., which may be under their control, for the purchase of corn, to be loaned to those who are unable to buy. Second, that they be empowered to issue scrip bearing such rate of interest as will enable them to dispose of it for the amount of funds required. Third, that the State advance to said counties as a loan in Treasury notes, or money, a sum sufficient to relieve their distress and drive hunger from their doors. The proposition is not debateable that all the powers and resources of the State must be exhausted, before Mississippians are permitted to starve.

I would ask leave further to represent through you to the Convention, that arms, ammunition, tents, clothing, &c., were purchased in Mobile, for Mississippi troops, sent to Pensacola, in January last, which added to the other expenses exceeds by several thousand dollars the appropriation made by the Convention for their support.

A further appropriation of four or five thousand dollars will be necessary to settle the account of the Quarter-Master General, of the State of Mississippi.

The six twenty-four pounder guns, and the ammunition for the same, and a large portion of the other arms, received by me from the State of Louisiana, might be turned over to the Confederate States.

Three thousand of the muskets will be required to arm the troops of Mississippi: a considerable number of them have already been distributed to Volunteer Companies.

Very respectfully,

JOHN J. PETTUS.

On motion of Mr. Orr, the communication was referred to the select committee, raised on yesterday, under the resolution offered by Mr. Deason.

On motion of Mr. King, the unfinished business pending before the Convention, was suspended to enable him to introduce an Ordinance with the following title.

An Ordinance supplemental to an Ordinance entitled, an Ordinance to raise means for the defense of the State, adopted, the 26th day of January, A. D. 1861, which was read the first time.

On his motion, the rule was suspended and the Ordinance adopted.

The Convention then resumed the consideration of the unfinished business, to-wit:

The report of the majority committee of five on the permanent Constitution.

The question being on the adoption of the amendment of Mr. Fontaine as a substitute for the amendment of Mr. Wood, of Attala, as a substitute for the Ordinance reported by the Committee.

The discussion being ended, the Convention proceeded to take the vote.

The question was first taken on the adoption of Mr. Fontaine's amendment, as a substitute for the amendment of Mr. Wood, of Attala, and decided in the negative by yeas and nays as follows:

YEAS—Messrs. Anderson, Aldridge, Barksdale, Beene, Bonds, Clayton, of Lowndes, Cummings, J. S. Davis, Denson, Flourney, Fontaine, Gholson, Herring, Keith, King, Marshall, Miller, of Pontotoc, Rogers, Reynolds, Sanders, Smart, Stephens, Tison, Taylor, Wood, of Attala, Yerger and Young—28.

NAYS—Mr. President, Messrs. Baldwin, Backstrom, Booth, Brantley, Brooke, Blair, Berry, Bullard, Bookter, Clayton, of Marshall, Catchings, Colbert, Clapp, O. Davis, Dease, Douglas, Dyer, Deason, Eckford, Farrar, Fizer, George, Glenn, Gibson, Gwin, Harris, Hill, Holt, Isom, Johnson, of De Soto, Jones, Keirn, Kennedy, Lea, Lamar, Lewers, Lewis, McGhee, of Bolivar, McGhee, of Panola, Miller, of Tunica, Neely, Nelson, Orr, Pattison, Powell, of Covington, Powell, of Jones, Semmes, Terral, Thompson, Vaughn, Witty, Winchester, Wilkinson, Woods and Wright—57.

Mr. Gholson offered an amendment as a substitute for the amendment of Mr. Wood, of Attala, entitled, "an Ordinance to provide for the ratification by the people of the State of Mississippi, the Constitution of the Confederate States of America, adopted, by the Congress of the Confederate States of America, March 11th, 1861."

Mr. Gholson moved the adoption of his amendment which was decided in the negative by yeas and nays as follows:

YEAS—Messrs. Aldridge, Barksdale, Brooke, Beene, Blair, Bonds, Clayton, of Lowndes, Cummings, Colbert, J. S. Davis, Farrar, Flourney, Fontaine, Gholson, Herring, King, Lewers, Marshall, Miller, of Pontotoc, Powell of Jones, Rogers, Reynolds, Sanders, Smart, Sumner, Stephens, Tison, Taylor, Winchester, Wright, Yerger and Young—32.

NAYS—Mr. President, Messrs. Anderson, Baldwin, Back

strom, Booth, Brantley, Berry, Bullard, Bookter, Clayton, of Marshall, Catchings, Clapp, O. Davis, Dease, Douglas, Dyer, Deason, Eckford, Edwards, Fizer, George, Glenn, Gibson, Gwin, Harris, Hill, Holt, Isom, Johnston, of De Soto, Jones, Keirn, Keith, Kennedy, Lea, Lamar, Lewis, Mayson, McGhee, of Bolivar, McGhee, of Panola, Miller, of Tunica, Neely, Nelson, Orr, Pattison, Powell, of Covington, Semmes, Terral, Thompson, Vaughn, Witty, Wilkinson, Woods, Wood of Attala—53.

The question was then taken on the adoption of the amendment of Mr. Wood, of Attala, to the report of the majority committee, and decided in the negative by yeas and nays as follows:

YEAS—Messrs. Barksdale, Blair, Bonds, Clayton, of Lowndes, Cummings, Colbert, J. S. Davis, Denson, Farrar, Gholson, Herring, King, Marshall, Rogers, Reynolds, Sumner, Stephens, Taylor, Winchester, Wood, of Attala, Wright, Yerger and Young—23.

NAYS—Mr. President, Messrs. Anderson, Baldwin, Backstrom, Booth, Brantly, Brooke, Beene, Berry, Bullard, Bookter, Clayton, of Marshall, Catchings, Clapp, O. Davis, Dease, Douglas, Dyer, Deason, Eckford, Fizer, Fontaine, George, Glenn, Gibson, Gwin, Harris, Hill, Holt, Isom, Johnston, of DeSoto, Jones, Keirn, Keith, Kennedy, Lea, Lamar, Lewis, Mayson, McGhee, of Bolivar, McGhee, of Panola, Miller, of Pontotoc, Miller, of Tunica, Neely, Nelson, Orr, Pattison, Powell, of Covington, Semmes, Terral, Tison, Thompson, Vaughan, Witty, Wilkinson and Woods —56.

Mr. Yerger then moved the adoption of the Ordinance reported by him as the minority of the committee as a substitute for the Ordinance reported by the majority, which was decided in the negative by yeas and nays as follows:

YEAS—Messrs. Blair, Bonds, Cummings, Gholson, Herring, Marshall, Reynolds, Sanders, Sumner, Stephens, Taylor, Yerger and Young—13.

NAYS—Mr. President, Messrs. Anderson, Aldridge, Barksdale, Baldwin, Backstrom, Booth, Brantley, Brooke, Beene, Berry, Bullard, Bookter, Clayton, of Marshall, Clayton, of Lowndes, Catchings, Colbert, Clapp, O. Davis, J. S. Davis, Dease, Douglas, Dyer, Deason, Eckford, Farrar, Fizer, Fon-

taine, Glenn, Gibson, Gwin, Harris, Hill, Holt, Isom, Johnston, of De Soto, Jones, Keirn, Keith, Kennedy, King, Lea, Lamar, Lewers, Lewis, Mayson, McGhee, of Bolivar, McGhee, of Panola, Miller, of Pontotoc, Miller, of Tunica, Neely, Nelson, Orr, Pattison, Powell, of Covington, Powell, of Jones, Rogers, Semmes, Terral, Tison, Thompson, Vaughn, Witty, Winchester, Wilkinson, Woods and Wright—66.

Mr. Rogers offered an Ordinance entitled, an Ordinance to ratify the Constitution of the Confederate States of America, adopted, March 11th, 1861, as a substitute for the report of the majority committee.

On motion of Mr. Clapp the amendment was laid on the table, upon a call of the yeas and nays, as follows:

YEAS—Mr. President, Messrs. Anderson, Baldwin, Backstrom, Booth, Brantley, Berry, Bullard, Bookter, Clayton, of Marshall, Clayton, of Lowndes, Catchings, Clapp, O. Davis, Dease, Douglas, Dyer, Deason, Eckford, Farrar, Fizer, Fontaine, George, Glenn, Gibson, Gwin, Hill, Holt, Isom, Jones, Keirn, Keith, Lea, Lamar, Lewis, Mayson, McGhee, of Bolivar, Miller, of Pontotoc, Miller, of Tunica, Neely, Nelson, Orr, Pattison, Powell, of Covington, Powell, of Jones, Semmes, Terral, Thompson, Vaughn, Witty, Winchester, Wilkinson and Woods—53.

NAYS—Messrs. Beene, Blair, Bonds, Cummings, Colbert, J. S. Davis, Denson, Flourney, Gholson, Herring, Johnston, of De Soto, Kennedy, King, Lewers, Marshall, McGhee, of Panola, Rogers, Reynolds, Sanders, Sumner, Stephens, Tison, Taylor, Wood, of Attala, Wright, Yerger and Young—27.

No other amendments being offered, on motion of Mr. Glenn, the report of the majority committee was agreed to.

Mr. Glenn moved that the Ordinance reported by the committee be considered as engrossed and put upon its passage, which was decided in the affirmative.

The question was then taken on the passage of the Ordinance and decided in the affirmative, by yeas and nays as follows:

YEAS—Mr. President, Messrs. Anderson, Aldridge, Barksdale, Baldwin, Backstrom, Booth, Brantley, Brooke, Beene, Blair, Berry, Bonds, Bullard, Bookter, Clayton, of Marshall, Clayton, of Lowndes, Catchings, Colbert, Clapp, O. Davis, J. S. Davis, Dease, Denson, Douglas, Dyer, Deason, Eckford, Edwards, Farrar, Fizer, Fontaine, George, Glenn, Gibson,

Gholson, Gwin, Harris, Herring, Hill, Holt, Isom, Johnston, of De Soto, Jones, Keirn, Keith, Kennedy, King, Lea, Lamar, Lewers, Lewis, Mayson, McGhee, of Bolivar, McGhee, of Panola, Miller, of Pontotoc, Miller, of Tunica, Neely, Nelson, Orr, Parker, Pattison, Powell, of Covington, Powell, of Jones, Rogers, Semmes, Smart, Terral, Tison, Taylor, Thompson, Vaughn, Witty, Winchester, Wilkinson, Woods, Wright and Young—78.

NAYS—Messrs. Cummings, Marshall, Reynolds, Sanders, Stephens, Wood, of Attala, and Yerger—7.

Ordered that the title stand as stated.

On motion of Mr. Brooke, the President was requested to telegraph the action of the Convention upon the ratification of the Constitution, to Major General Charles Clark, at Mobile, President Jefferson Davis and Hon. ——— Jameson, President of the Convention of the State of South Carolina.

Previous to the Convention proceeding to take the vote upon the various propositions submitted for the ratification of the Constitution, Mr. Glenn stated that Mr. Hurst and Mr. Parker had agreed to pair off, and not vote upon any of the propositions, except the Ordinance reported by the majority committee.

The President communicated to the Convention a dispatch from Major General Charles Clark, at Mobile, that the resolutions of the Convention, in relation to the Mississippi Volunteers had been received and would be read to the troops.

Mr. Barksdale from the committee on Enrolled Ordinances reported that they had examined an Ordinance supplemental to an Ordinance entitled, an Ordinance to raise means for the defense of the State, adopted the 26th day of January, A. D. 1861; An Ordinance to adopt and ratify the Constitution, adopted by the Convention, at Montgomery, Alabama, and found the same correctly enrolled.

On motion of Mr. Jones, of Sunflower, the Convention adjourned until three o'clock, P. M.

THREE O'CLOCK, P. M.

The Convention met pursuant to adjournment.

Mr. Clapp offered the following resolution which was adopted:

Resolved, That the President of the Convention be and he is hereby instructed upon the final adjournment of this body, to issue certificates in favor of Hons. H. W. Walter, Samuel Benton, James R. Chalmers and Israel Welsh, for such sums respectively as their mileage and *per diem*, during the present called session would amount to, they being delegates to this Convention, whose absence is occasioned by their respose to the call of the State Executive for volunteer troops, to be placed at the disposal of the Government of the Confederate States.

Leave of absence was granted Mr. Yerger.

Mr. Holt presented resolutions authorizing the Governor to loan to the several counties, deficient in a supply of corn, a sufficient amount in Treasury notes to meet their actual necessities under certain provisions therein mentioned.

On his motion the resolutions were referred to the committee raised on yesterday upon the same subject.

Mr. Gholson offered the following resolution, and moved its adoption, to-wit:

Resolved, That a committee of —— be appointed with instructions to report an Ordinance to divide the State of Mississippi into seven Congressional districts.

The question was taken on the adoption of the resolution and decided in the negative.

On motion of Mr. Glenn, the resolution authorizing the judges of the various circuit courts of this State, as well as the justices of the peace to suspend the sessions of their tribunals as to the trial of civil and chancery cases in court during the spring and summer of the present year, was called from the table.

Mr. Orr offered the following amendment as a substitute for the resolution:

Resolved, That the resolution be referred to a committee of five, with instructions to inquire into the expediency of suspending the enforcement of decrees, judgments, executions, mortgages and deeds of trust for nine months.

Mr. Anderson moved to lay the original resolution on the table, which was lost.

Mr. Orr, by leave of the Convention, withdrew his amendment.

The question was then taken on the adoption of Mr. Glenn's resolution and decided in the negative, by yeas and nays as follows:

YEAS—Messrs. Brantly, Brooke, Blair, Colbert, Denson,

Deason, Flourney, Glenn, Gholson, Harris, Keith, King, McGhee, of Bolivar, Miller, of Pontotoc, Miller, of Tunica, Neely, Orr, Parker and Vaughn—19

NAYS—Mr. President, Messrs. Anderson, Aldridge, Barksdale, Baldwin, Backstrom, Booth, Beene, Bonds, Bullard. Clayton, of Lowndes, Cummings, Clapp, O. Davis, Dease, Dyer Eckford, George, Gibson, Gwin, Holt, Johnston, of De Soto, Jones, Keirn, Kennedy, Lea, Lewers, Lamar, Lewis, Marshall, Mayson, McGhee, of Panola, Nelson, Pattison, Reynolds, Sanders, Semmes, Sumner, Stephens, Tison, Taylor, Thompson, Witty, Wilkinson, Woods, Wright, and Young—46.

Mr. Fontaine introduced an Ordinance to suspend actions for the collection of certain debts, which was read the first and second times under a suspension of the rule.

Mr. Brooke offered the following amendment, which was adopted, to-wit:

Provided. That no merchant who avails himself of the benefits of this Ordinance shall be permitted to dun or sue a customer for any debt for goods purchased or bought from the creditor whose debt he seeks to avoid.

On motion of Mr. O. Davis, the Ordinance and amendment was laid on the table.

Mr. Deason from the committee of three, to whom was referred a resolution in relation to reporting an Ordinance for the relief of the poor of the State, reported an Ordinance entitled, "an Ordinance to relieve the destitution of the people of the State of Mississippi," with a recommendation that it do pass, which was received and agreed to and the Ordinance read the first time.

On his motion the rule was suspended and the Ordinance read a second time.

Mr. Harris offered the following amendment which was adopted, to-wit:

That the Boards of Police of the several counties who may receive money under this Ordinance, be and they are hereby authorized and required to levy a special tax for the payment of the same.

Mr. Aldridge moved to amend by striking out the third section, which was lost.

On motion of Mr. Clapp the Ordinance was recommitted to the same committee.

On motion of Mr. Dease, Mr. Clapp was added to the committee.

Mr. Aldridge introduced an Ordinance in relation to lands in the State of Mississippi, belonging to Indian orphans, which was read the first time.

On his motion the rule was suspended and the Ordinance adopted.

Mr. Glenn offered the following resolutions which were adopted, to-wit:

Resolved, That E. P. Russell, Secretary of the Convention, be allowed the sum of fifty dollars, for services rendered in revising and correcting the journals of the Convention held in January last, to be paid for out of any money in the Treasury not otherwise appropriated on the warrant of the Auditor of Public Accounts.

Resolved, further, That he be allowed three days after the adjournment of the Convention to complete the duties assigned him, and that he be allowed the compensation fixed by law, to be paid for out of any money in the Treasury not otherwise appropriated, on the warrant of the Auditor of Public Accounts.

Mr. O. Davis introduced an Ordinance to confer certain powers on the Legislature, which was read the first time.

On motion of Mr. Anderson the Ordinance was laid on the table.

On motion of Mr. George,

Resolved, That the committee on the State Constitution be instructed to inquire into the expediency of requiring all State, County and District Officers of this State, and all members of the bar, to take an oath to support the Constitution of the Confederate States of America, and that they report by Ordinance or otherwise.

Mr. Dyer introduced an Ordinance to amend an Ordinance entitled, an Ordinance to amend the Constitution of this State in certain particulars, adopted, January 26, 1861, which was read a first and second time under a suspension of the rule, and, on motion of Mr. Stephens referred to the committee on State Constitution.

On motion of Mr. Jones, of Sunflower, the Convention adjourned until nine o'clock to-morrow morning.

SATURDAY, March 30th, 1861.

The Convention met pursuant to adjournment.

The Journal of yesterday was read and approved.

Mr. Barksdale made the following report:

MR. PRESIDENT:—

The committee on Enrolled Ordinances have examined and found correctly enrolled, an Ordinance in relation to lands in the State of Mississippi belonging to Indian Orphans; Also, resolutions in relation to the Secretary of the Convention.

Leave of absence was granted Messrs. Backstrom, Bullard and Denson.

Mr. Brooke introduced an Ordinance in reference to the Marine Hospital, at Vicksburg, which was read the first and second time under a suspension of the rule.

On his motion the Ordinance was considered as engrossed read the third time and passed, with title as stated.

Mr. Miller from the committee on State Constitution reported an Ordinance to amend the constitution of the State of Mississippi, in several particulars, and recommended its passage, which was received and agreed to, and the Ordinance read the first and second times under a suspension of the rule.

On his motion the Ordinance was considered as engrossed, read the third time and passed, with title as stated.

Mr. Orr introduced an Ordinance to amend an Ordinance entitled, an Ordinance to regulate the Military system of the State of Mississippi, which was read the first and second time under a suspension of the rule.

On his motion, the rule was further suspended and the Ordinance read a third time.

The question was then taken on the passage of the Ordinance and decided in the negative.

Mr. Clapp from the select committee to whom was referred a resolution in relation to the destitution of the poor in certain portions of the State, reported an Ordinance for the relief of certain counties of this State and recommended its passage, which was received and agreed to, and the Ordinance read the first time.

On his motion the rule was suspended and the Ordinance read the second time.

On his further motion the Ordinance was considered as engrossed and read the third time.

The question was then taken on the passage of the Ordinance and decided in the affirmative upon a call of the yeas and nays, as follows:

YEAS—Mr. President, Messrs. Barksdale, Baldwin, Booth, Brantley, Brooke, Bonds, Bookter, Clayton, of Marshall, Catchings, Clapp, O. Davis, Dease, Denson, Douglas, Dyer, Deason, Eckford, George, Glenn, Gibson, Gholson, Gwin, Harris, Holt, Isom, Johnston, of De Soto, Jones, Keirn, Keith, Kennedy, Lea, Lamar, Lewers, Mayson, McGhee, of Bolivar, McGhee, of Panola, Miller, of Pontotoc, Miller, of Tunica, Neely, Nelson, Orr, Parker, Powell, of Covington, Powell, of Jones, Rogers, Sanders, Stephens, Terral, Taylor, Thompson, Witty, Woods, Wood, of Attala, Wright and Young—56.

NAYS—Messrs. Backstrom, Beene, Clayton, of Lowndes, Colbert, Fontaine, Sumner and Tison—7.

On motion of Mr. Clapp, so much of the communication from the Governor, received on yesterday, as relates to Military affairs, was referred to the Military committee.

Mr. Harris introduced an Ordinance to alter and modify the Ordinance entitled an Ordinance concerning the jurisdiction and property of the United States of America in the State of Mississippi, which was read a first and second time under a suspension of the rule.

On his motion the rule was further suspended, the Ordinance considered as engrossed and read the third time.

The question was then taken on the passage of the Ordinance and decided in the affirmative.

On motion of Mr. George, the Ordinance in relation to judgments and decrees heretofore rendered, and suits pending in the United States Court, lately existing in this State and the records thereof, was called up and read the second time.

On motion of Mr. O. Davis the Ordinance was laid on the table.

Mr. Glenn introduced an Ordinance to provide for the appointment of electors of President and Vice President of the Confederate States, which was read the first time.

On his motion the rule was suspended and the Ordinance read the second time.

On his further motion the Ordinance was considered as engrossed, read the third time and passed, with title as stated.

Mr. Gibson introduced an Ordinance for the regulation of the militia of the State, which was read the first time and, on motion of Mr. Tison, laid on the table.

Mr. Jones, of Sunflower, introduced an Ordinance au-

thorizing the investment of trust funds in the public securities of the State of Mississippi, or of the Confederate States, which was read the first and second times under a suspension of the rule.

On motion of Mr. Fontaine the Ordinance was laid on the table.

The chairman, Mr. Gholson, presented the following communication:

JACKSON, MISSISSIPPI, March 30th, 1861.

HON. W. S. BARRY,

Sir: Enclosed in parcel please find an enlarged photograph of the State Seal, or Coat of Arms. Knowing that it was not adopted and that it perhaps would be forgot, I take the liberty of sending it to you for the inspection of the Convention, with a description or explanation of the same. All of which is respectfully submitted,

M. L. CARLISLE.

The Magnolia represents the beauty of the State in which the bird of liberty has chosen to build her nest, and rear her young. The nest is cautiously approached by a serpent, which, without molestation has been tolerated to obtain a position whereby he imagines to make an easy conquest of his prey, and is in the attitude of striking the fatal blow, when the mother, ever watchful, and seeing the actual danger of her young, seizes the serpent in her talons. The serpent being represented as writhing in the agonies of death—a just retribution for his temerity. And so with the South; she had tolerated the serpent until it became dangerous to her peace and prosperity, when her future safety prompted the fatal blow that leaves him powerless in her grasp.

The cotton, the plow and steamer represents wealth, agriculture and commerce, while the citizen soldier, arms and fortifications represent our defences.

Mr. Orr offered the following resolution, which was adopted, to-wit:

Resolved, That the State of Mississippi hereby subscribes for five hundred copies of the proceedings, debates, etc., of the first session of this Convention, as published by J. L. Power; *provided*, that he add thereto the proceedings and Ordinances of this session, and the debates in full on the ratification of the permanent Constitution of the Confederate States of America. *And, provided further*, That the cost of each volume shall not exceed one dollar and fifty cents; and when the said work is published, one copy

shall be sent to each member of this Convention, and the balance delivered to the Secretary of State, fifty copies to be preserved in his office, and the balance to be distributed among the several courts of this State, and on the certificate of the Secretary of State that the terms of this resolution have been complied with, the Auditor shall issue his warrant in behalf of the said J. L. Power.

Mr. Catchings introduced an Ordinance to abrogate and annul the first and second sections of an Ordinance, adopted on the 26th day of January, 1861, entitled, an Ordinance to provide for the representation of the State of Mississippi in the Congress of the Southern Confederacy, which was read the first and second time under a suspension of the rule.

Mr. Catchings, by leave, withdrew the Ordinance. whereupon Mr. George introduced an Ordinance appointing A. M. Clayton, W. S. Barry, J. A. P. Campbell, W. Brooke, W. P. Harris and Jas. T. Harrison, representatives or delegates from this State in the provisional Congress of the Confederate States of America, which was read the first and second time under a suspension of the rule.

Mr. Dyer offered the following amendment:

Amend by striking out of the second section the words "*viva voce*," and insert in lieu thereof the words "by ballot," which was adopted.

Mr. Aldridge offered the following amendment, amend by way of additional section as follows:

SECTION 3. *Be it further Ordained*, That we cordially approve and endorse the action of our delegates at Montgomery.

Which was adopted.

On motion of Mr. George, the rule was further suspended and the Ordinance read the third time.

The question was then taken on the passage of the Ordinance as amended, and decided in the affirmative.

Ordered that the title stand as stated.

Mr. Clapp introduced an Ordinance to provide a coat of arms and a flag for the State of Mississippi, which was read the first and second time under a suspension of the rule.

On his motion the rule was further suspended, the Ordinance considered as engrossed and read the third time.

The question was then taken on the passage of the Ordinance and decided in the affirmative.

Ordered that the title stand as stated.

Mr. George introduced an Ordinance to define the power of the Legislature of this State in relation to the Ordinances and resolutions adopted by this Convention, which was read the first time.

On his motion the rule was suspended, the Ordinance read the second time and referred to the committee on State Constitution.

On motion of Mr. Jones, of Sunflower, the committee adjourned until 3 o'clock, P. M.

THREE O'CLOCK, P. M.

The Convention met pursuant to adjournment.

Mr. George offered the following resolution which was adopted, to-wit:

Resolved, That it is the sense of this Convention that the government under the permanent Constitution of the Confederate States, should be organized and put into operation at as early a period as practicable and consistent with the public safety, and that the delegates of this State to the Provisional Congress be requested to urge the policy indicated by this resolution upon that body.

Mr. Wood, of Attala, offered the following resolution, which was lost, to-wit:

Resolved, That M. L. Carlisle, who kindly presented to this Convention an imperial size photograph of the State seal of Mississippi, be granted the exclusive right to photograph or lithograph the same, as modified by resolution of this body. *Provided*, that this shall not interfere with the right of any officer of this State to use said seal in official business.

On motion of Mr. Harris the Ordinance to repeal the Ordinance entitled, an Ordinance to regulate the Military system of the State of Mississippi, and an Ordinance to raise means for the defense of the State, was called up.

Mr. Harris moved the adoption of the Ordinance.

On motion of Mr. George, the Ordinance was laid on the table.

The chairman, Mr. Gholson, presented the following communication from the Hon. J. L. Alcorn :

FRIAR'S POINT, MISS., March 25, 1861.

HON. W. S. BARRY,
President of Mississippi Convention:
Jackson, Mississippi.

Sir: I regret that serious indisposition, whereby I have been confined to my room for the past four days, denies me the pleasure and privilege of attending the called session of the Convention. Be kind enough to inform the Convention. Very respectfully,

Your obedient serv't,
J. L. ALCORN.

Mr. Miller from the committee on State Constitution, to whom was referred an Ordinance to define the power of the Legislature of this State in relation to the Ordinances and resolutions adopted by this Convention, reported the same back to the Convention with a recommendation that it do pass, which was received and agreed to.

On motion of Mr. George the rule was suspended the Ordinance read the third time and passed, with title as stated.

Mr. Anderson introduced an Ordinance making certain appropriations therein named, which was read the first time.

On his motion the rule was suspended, the Ordinance read the second and third time and passed.

Ordered, that the title stand as stated.

Mr. Marshall introduced an ordinance supplemental to an Ordinance entitled, an Ordinance to raise means for the defense of the State, adopted January 26th, 1861, which was read the first time.

Mr. Anderson moved to lay the Ordinance on the table, which was decided in the affirmative, upon a call of the yeas and nays, as follows :

YEAS—Mr. President. Messrs. Anderson, Aldridge, Barksdale, Booth, Brantly, Bonds. Clayton, of Marshall, Clayton, of Lowndes, Colbert, Clapp, O. Davis, Dease, Dyer, Deason, Fontaine, George, Gibson, Harris, Holt, Isom, Johnston, of De Soto, Jones, Keirn, Keith, Kennedy, Lea, Lamar, Lewers, Lewis, Mayson, McGhee of Bolivar, McGhee, of Panola, Miller, of Pontotoc, Miller, of Tunica, Neely, Nelson, Pattison, Sanders, Sumner, Taylor, Witty, Woods and Wright— 44.

NAYS—Messrs. Baldwin, Brooke, Beene, Gholson, Marshall, Orr, Rogers, Reynolds, Stephens, Tison, Thompson, Wood, of Attala, and Young—13.

On motion of Mr. Holt the Convention proceeded to the election of delegates to the Montgomery Convention, to fill the vacancy occasioned by the resignation of the Hon. W. S. Wilson.

Mr. Holt nominated the Hon. D. C. Glenn.

Mr. George nominated the Hon. J. A. Orr.

The chairman appointed Messrs. Holt and Beene to act as tellers.

Upon counting the votes, Mr. Glenn received 22 votes; Mr. Orr received 27 votes; Scattering, 2 votes.

Mr. Orr having received a majority of all the votes cast was declared elected.

Mr. Thompson offered a resolution authorizing the Auditor of Public Accounts to issue duplicate warrants to W. F. Huggins, assessor of the County of Chickasaw, and to Thomas M. Blackwell, Clerk of the Circuit Court of said county, to an amount not exceeding the sum of two hundred dollars each.

Mr. Miller moved to lay the resolution on the table which was lost.

The question was then taken on the adoption of the resolution and decided in the affirmative.

On motion of Mr. Tison,

Resloved, That the thanks of this Convention be and are hereby tendered to the Hon. W. S. Barry, for the dignified, able and courteous manner, in which he has presided over the deliberations of this body.

On motion of Mr. Anderson,

Resolved, That the provisions of an Ordinance, adopted, January, 26, 1861, of this Convention, for the publication of the Ordinances and Journals, shall be applied to the publication of the Journal and Ordinances of this session.

On motion of Mr. Tison,

Resolved, That the thanks of this Convention be and are hereby tendered to E. P. Russell, Secretary of the Convention, and Robt. C. Miller, Assistant Secretary, for the able and very efficient manner in which they have discharged their respective duties.

Mr. Fontaine introduced an Ordinance to authorize the Governor of the State of Mississippi to transfer volunteers to the service of the Government of the Confederate States,

which was read the first and second time under a suspension of the rule.

Mr. Lamar moved to lay the Ordinance on the table, which was lost.

On motion of Mr. Fontaine, the rule was suspended, the Ordinance read the third time and passed, with title as stated.

On motion of Mr. Harris,

Resolved, That Mr. J. L. Power be allowed the sum of four dollars per day during the session of this Convention for the reports of its proceedings which have appeared in the Daily Mississippian.

Mr. Barksdale made the following report:

Mr. President:—

The Committee on Enrolled Ordinances have examined and found correctly enrolled, an Ordinance appointing A. M. Clayton, W. S. Barry, J. A. P. Campbell, W. Brooke, W. P. Harris, and Jas. T. Harrison, representatives or delegates from this State in the Provisional Congress of the Confederate States of America; an Ordinance to provide a Coat of Arms and Flag for the State of Mississippi, an Ordinance to define the power of the Legislature of this State in relation to the Ordinances and resolutions adopted by this Convention; an Ordinance to authorize the Governor of the State of Mississippi to transfer volunteers to the service of the Confederate States of America; an Ordinance to provide for the appointment of electors for President and Vice President of the Confederate States of America; an Ordinance making certain appropriations therein named; an Ordinance in relation to the Marine Hospital at Vicksburg; an Ordinance to alter and modify the Ordinance entitled, an Ordinance concerning the jurisdiction and property of the United States in the State of Mississippi; Resolution in relation to the organization of the Government under the Permanent Constitution of the Confederate States; a resolution in relation to the publication of the Journals and Ordinances of the present session of the Convention; a resolution authorizing the Auditor of Public Accounts to issue duplicate warrants to W. T. Huggins and Thomas M. Blackwell; a resolution in relation to the State of Mississippi subscribing for five hundred copies of the proceeding, debates, &c., as published by J. L. Power.

The Convention having completed the business before it,

Mr. Gibson moved that the Convention adjourn *sine die.*

Before putting the motion the President said :

Gentlemen of the Convention: I take this occasion to return you my sincere thanks for the personal kindness and uniform courtesy which you have extended towards me in the discharge of my duties, and for the two resolutions expressing your approbation. I assure you that I profoundly appreciate these evidences of esteem ; they will be among the proudest recollections of my life. For the manner in which you have discharged your duties and consummated the great work for which you were assembled, the people will gratefully remember you, and for the final result I am sure no man here need blush to the latest moment of his life. Again thanking you gentlemen of the Convention, I now declare this body adjourned *sine die.*

W. S. BARRY,
President.

E. P. RUSSELL, Secretary.

CONSTITUTION

OF THE

STATE OF MISSISSIPPI.

ARTICLE I. Declaration of rights.
II. Distribution of Powers.
III. Legislative Department.
IV. Judicial Department.
§ V. Executive Department; militia.
VI. Impeachments.
VII. General provisions; slaves.
Amending Constitution; schedule.

ARTICLE I.

DECLARATION OF RIGHTS.

THAT the general, great and essential principles of liberty and free government may be recognized and established, WE DECLARE:

SECTION 1. That all freemen, when they form a social compact, are equal in rights; and that no men, or set of men, are entitled to exclusive, separate public emoluments or privileges from the community, but in consideration of public services.

Equality and natural rights.

SEC. 2. That all political power is inherent in the people, and all free governments are founded on their authority and established for their benefit; and, therefore, they have, at all times, an inalienable and indefeasible right to alter or abolish their form of government in such manner as they may think expedient.

Religious worship.

SEC. 3. The exercise and enjoyment of religious profession and worship, without discrimination, shall forever be free to all persons in this State: *Provided*, That the right hereby declared and established shall not be so construed as to excuse the acts of licentiousness, or justify practices inconsistent with the peace and safety of the State.

SEC. 4. No preference shall ever be given by law to any religious sect or mode of worship.

SEC. 5. That no person shall be molested for his opinions on any subject whatever, nor suffer any civil or political incapacity, or acquire any civil or political advantage in consequence of such opinions, except in cases provided for in this constitution.

Freedom of speech.

SEC. 6. Every citizen may freely speak, write and publish his sentiments on all subjects, being responsible for the abuse of that liberty.

SEC. 7. No law shall ever be passed to curtail or restrain the liberty of speech or of the press.

Truth to be given in evidnce in all prosecutions for libel.

SEC. 8. In all prosecutions or indictments for libel, the truth may be given in evidence; and if it shall appear to the jury that the matter charged as libelous is true, and was published with good motives and for justifiable ends, the party shall be acquitted; and the jury shall have the right to determine the law and the facts.

SEC. 9. That the people shall be secure in their persons, houses, papers and possessions, from unreasonable seizures and searches; and that no warrant to search any place, or to seize any person or thing, shall issue without describing the place to be searched, and the person or thing to be seized, as nearly as may be, nor without probable cause, supported by oath or affirmation.

The accused, how heard and convicted.

SEC. 10. That in all criminal prosecutions, the accused hath a right to be heard by himself, or counsel, or both; to demand the nature and cause of the accusation; to be confronted by the witnesses against him; to have a compulsory process for obtaining witnesses in his favor; and, in all prosecutions, by indictment or information, a speedy and public trial by an impartial jury of the country where the offence was committed; that he cannot be compelled to give evidence against himself; nor can he be deprived of his life, liberty or property, but by due course of law.

SEC. 11. No person shall be accused, arrested or detained, except in cases ascertained by law, and according to the form which the same has prescribed; and no person shall be punished but in virtue of a law established and promulgated prior to the offence, and legally applied.

SEC. 12. That no person shall, for an indictable offence, be proceeded against criminally by information, except in cases arising in the land or naval forces, or in the militia, when in actual service, or by leave of the court, for misdemeanor in office.

Proceedings in indictable offences.

SEC. 13. No person shall, for the same offence, be twice put in jeopardy of life or limb; nor shall any person's property be taken or applied to public use without the consent of the Legislature, and without just compensation being first made therefor.

SEC. 14. That all courts shall open, and every person, for an injury done him in his lands, goods, person or reputation, shall have remedy by due course of law, and right and justice administered without sale, denial or delay.

SEC. 15. That no power of suspending laws shall be exercised except by the Legislature or its authority.

SEC. 16. That excessive bail shall not be required, nor excessive fines imposed, nor cruel punishment inflicted.

Excessive bail.

SEC. 17. That all prisoners shall, before conviction, be bailable by sufficient securities, except for capital offences, where the proof is evident, or the presumption great; and the privilege of the writ of habeas corpus shall not be suspended, unless, when in a case of rebellion or invasion, the public safety may require it.

Bailable offences, habeas corpus, &c.

SEC. 18. That the person of a debtor, when there is not strong presumption of fraud, shall not be detained in prison after delivering up his estate for the benefit of his creditors, in such a manner as shall be prescribed by law.

When debtor not to be imprisoned.

SEC. 19. No conviction for any offence shall work corruption of blood or forfeiture of estate; the Legislature shall pass no bill of attainder, *ex post facto* law, nor law for impairing the oligation of contracts.

SEC. 20. No property qualification for eligibility to office, or for the right of suffrage, shall ever be required by law in this State.

The estates of suicides.

SEC. 21. That the estates of suicides shall descend or vest as in cases of natural death; and if any person shall be killed by casuality, there shall be no forfeiture by reason thereof.

The right of petition

SEC. 22. That the citizens have a right, in a peaceable manner, to assemble together for their common good; and to apply to those invested with the powers of government for redress of grievances, or other purposes, by petition, address or remonstrance.

Right to bear arms

SEC. 23. Every citizen has a right to bear arms in defence of himself and of the State.

No standing army, except, &c

SEC. 24. No standing army shall be kept up without the consent of the Legislature; and the military shall, in all cases and at all times, be in strict subordination to the civil power.

SEC. 25. That no soldier shall, in time of peace, be quartered in any house without the consent of the owner, or in time of war, but in the manner to be prescribed by law.

SEC. 26. That no hereditary emoluments, privileges or honors shall ever be granted or conferred in this State.

Emigration, &c.

SEC. 27. Emigration from this State shall not be prohibited, nor shall any free white citizen of this State ever be exiled under any pretence whatever.

Trial by jury,

SEC. 28. The right of trial by jury shall remain inviolate.

Prosecution of suits.

SEC. 29. No person shall be debarred from prosecuting or defending any civil cause for or against him or herself, before any tribunal of this State, by him or herself or counsel, or both.

Tenure of office.

SEC. 30. No person shall ever be appointed or elected to any office in this State for life or during good behavor; but the tenure of all offices shall be for some limited period of time, if the person appointed or elected thereto shall so long behave well.

CONCLUSION.

To guard against transgressions of the high powers herein delegated, WE DECLARE that everything in this article is excepted out of the general powers of government, and shall forever remain inviolate: and that all laws contrary thereto, or to the following provisions, shall be void:

ARTICLE II.

DISTRIBUTION OF POWERS.

SEC. 1. The powers of the government of the State of Mississippi shall be divided into three distinct departments, and each of them confided to a separate body of magistracy, to-wit: those which are legislative to one, those which are judicial to another, and those which are executive to another.

Distribution of powers.

SEC. 2. No person, or collection of persons, being of one of those departments, shall exercise any power properly belonging to either of the others, except in the instances hereinafter expressly directed or permitted.

ARTICLE III.

LEGISLATIVE DEPARTMENT.

SEC. 1. Every free white male person of the age of twenty-one years or upwards, who shall be a citizen of the Confederate States of America, and shall have resided in this State one year next preceeding an election, and the last four months within the county, city or town, in which he offers to vote, shall be deemed a qualified elector; and any such qualified elector, who may happen to be in any county, city or town, other than that of his residence, at the time of an election, or who shall have removed to any county, city or town within four months preceeding the election, from any county, city or town, in which he would have been a qualified elector had he not so removed may vote for any State or district officer, or member of Congress, for whom he could have voted in the county of his residence, or the county, city or town from which he may have so removed.

Qualified electors.

Electors.

SEC. 2. Electors shall, in all cases except in those of treason, felony, or breach of the peace, be privileged from arrest during their attendance on elections, and going and returning from the same.

SEC. 3. The first elections shall be by ballot, and all future elections by the people shall be regulated by law.

SEC. 4. The legislative powers of this State shall be vested in two distinct branches: the one to be styled "the "Senate," the other, "the House of Representatives," and both together "the Legislature of the State of Mississippi;" and the style of their laws shall be, "*Be it enacted by the Legislature of the State of Mississippi.*

SEC. 5. The members of the House of Representatives shall be chosen by the qualified electors, and shall serve for the term of two years, from the day of the commencement of the general election, and no longer.

SEC. 6. The representatives shall be chosen every two years, on the first Monday and day following in November.

Qualifications.

SEC. 7. No person shall be a representative unless he be a citizen of the Confederate States of America, and shall have been an inhabitant of this State two years next preceeding his election, and the last year thereof a resident of the county, city or town for which he shall be chosen, and shall have attained the age of twenty-one years.

Elections where to be held.

When a town or city entitled to separate representation.

SEC. 8. Elections for representatives for the several counties shall be held at the places of holding their respective courts, or in the several election districts into which the county may be divided; *Provided*, that when it shall appear to the legislature that any city or town has a number of free white inhabitants equal to the ratio then fixed, such city or town shall have a separate representation, according to the number of free white inhabitants therein, which shall be retained so long as such city or town shall contain a number of free white inhabitants equal to the existing ratio, and thereafter, and during the existence of the right of separate representation in such city or town, elections for the county in which such city or town, entitled to separate representation, is situated, shall not be held in such city or town: *And provided*, that if the residu-

um or fraction of any city or town, entitled to separate representation, shall, when added to the residuum in the county in which it may lie, be equal to the ratio fixed by law for one representative, then the aforesaid county, city or town, having the largest residuum, shall be entitled to such representation: *And provided, also,* That when there are two or more counties adjoining, which have residuums over and above the ratio then fixed by law if such residuums, when added together, will amount to such ratio, in that case one representative shall be added to that county having the largest residuum.

Residuum &c.

SEC. 9. The Legislature shall, at their first session, and at periods of not less than every four, nor more than every six years, until the year 1845, and thereafter at periods of not less than every four nor more then every eight years, cause an enumeration to be made of all the free white inhabitants of this State, and the whole number of representatives shall at the several periods of making such enumeration, be fixed by the Legislature and apportioned among the several counties, cities or towns entitled to separate representation, according to the number of free white inhabitants in each, and shall not be less than thirty-six nor more than one hundred: *Provided, however,* That each county shall always be entitled to at least one representative.

Enumeration and apportionment.

Number of representatives

SEC. 10. The whole number of senators shall, at the several periods of making the enumeration before mentioned, be fixed by the Legislature, and apportioned among the several districts to be established by law, according to the number of free white inhabitants in each, and shall never be less than one-fourth nor more than one-third of the whole number of representatives.

Senators, &c.

SEC. 11. The senators shall be chosen by the qualified electors for four years, and on their being convened in consequence of the first election, they shall be divided by lot from their respective districts into two classes, as nearly equal as can be, and the seats of the senators of the first class shall be vacated at the expiration of the second year.

Number, &c.

SEC. 12. Such mode of classifying new additional senators shall be observed as will as nearly as possible preserve an equality of members in each class.

How chosen and classified.

SEC. 13. When a senatorial district shall be composed of two or more counties, it shall not be entirely separated by any county belonging to another district, and no county shall be divided in forming a district.

Qualifications of Senators.

SEC. 14. No person shall be a senator unless he be a citizen of, the Confederate States of America, and shall have been an inhabitant of this State for four years next preceding his election, and the last year thereof a resident of the district for which he he shall be chosen, and have attained the age of thirty years.

Speaker of the House and other officers.

SEC. 15. The House of Representatives, when assembled, shall choose a speaker and its other officers, and the Senate shall choose a president and its officers, and each house shall judge of the qualifications and elections of its own members, but a contested election shall be determined in such manner as shall be directed by law. A majority of each house shall constitute a quorum to do business, but a smaller number may adjourn from day to day, and may compel the attendance of absent members, in such manner and under such penalties as each house may provide.

Powers of each house.

SEC. 16. Each house may determine the rules of its own proceedings, punish members for disorderly behavior, and, with the consent of two-thirds, expel a member, but not a second time for the same cause; and shall have all other powers necessary for a branch of the legislature of a free and independent State.

Journals of yeas and nays.

SEC. 17. Each house shall keep a journal of its proceedings, and publish the same; and the yeas and nays of the members of either house, on any question, shall, at the desire of any three members present, be entered on the journal.

Vacancies

SEC. 18. When vacancies happen in either house, the Governor, or the person exercising the powers of the Governor, shall issue writs of elections to fill such vacancies.

Privileged from arrest; exception.

SEC. 19. Senators and Representatives shall, in all cases, except of treason, felony, or breach of the peace, be privileged from arrest during the session of the legislature, and in going to and returning from the same, allowing one day for every twenty miles such member may reside from the place at which the legislature is convened.

SEC. 20. Each house may punish, by imprisonment during the session, any person, not a member, for disrespectful or disorderly behavior in its presence, or for obstructing any of its proceedings: *Provided*, such imprisonment shall not, at any one time, exceed forty-eight hours.

SEC. 21. The doors of each house shall be open, except on such occasions of great emergency as, in the opinion of the house, may require secrecy.

SEC. 22. Neither house shall, without the consent of the other, adjourn for more than three days, nor to any other place than that in which they may be sitting.

SEC. 23. Bills may originate in either house, and be amended, altered or rejected by the other, but no bill shall have the force of a law until, on three several days, it be read in each house, and free discussion be allowed thereon, unless four-fifths of the house in which the bill shall be pending may deem it expedient to dispense with this rule; and every bill, having passed both houses, shall be signed by the speaker and president of their respective houses.

SEC. 24. All bills for raising revenue shall originate in the House of Representatives, but the Senate may amend or reject them, as other bills.

Compensation of the members.

SEC. 25. Each member of the legislature shall receive, from the public treasury, a compensation for his services, which may be increased or diminished by law, but no increase of compensation shall take effect during the session at which such increase shall have been made.

Members not eligible to office.

SEC. 26. No senator or representative shall, during the term for which he shall have been elected, nor for one year thereafter, be appointed to any civil office of profit under the State, which shall have been created, or the emoluments of which shall have been increased during such term, except such offices as may be filled by elections by the people; and no member of either house of the legislature shall, after the commencement of the first session of the legislature after his election, and during the remainder of the term for which he is elected, be eligible to any office or place, the appointment to which may be made, in whole or in part, by either branch of the legislature.

Officers not eligible to legislature.

SEC. 27. No judge of any court of law or equity, secretary of state, attorney-general, clerk of any court of record, sheriff or collector, or any person holding a lucrative office under the laws of the Confederate States of America, or of this State, shall be eligible to the legislature: *Provided*, That officers in the militia, to which there is attached no annual salary, and the office of the justice of the peace, shall not be deemed lucrative.

Defaulters

SEC. 28. No person who has heretofore, or hereafter, been a collector or holder of public moneys, shall have a seat in either house of the legislature until such person shall have accounted for, and paid into the treasury, all sums for which he may be accountable.

First election, when holden.

SEC. 29. The first election for senators and representatives shall be general throughout the State, and shall be held on the first Monday, and day following, in November, 1833; and thereafter there shall be biennial elections for senators to fill the places of those whose term of service may have expired.

Seat of governm't

SEC. 30. The first and all future sessions of the legislature shall be held in the town of Jackson, in the county of Hinds, until the year 1850. During the first session thereafter, the legislature shall have power to designate, by law, the permanent seat of government: *Provided, however*, That unless such designation be then made by law, the seat of government shall continue permanently at the town of Jackson. The first session shall commence on the third Monday in November, in the year 1833; and in every two years thereafter, at such time as may be prescribed by law.

SEC. 31. The governor, secretary of state, treasurer, auditor of public accounts and attorney-general shall reside at the seat of government.

ARTICLE IV.

JUDICIAL DEPARTMENT.

Judicial power.

SEC. 1. The judicial power of the State shall be vested in one high court of errors and appeals, and such other courts of law and equity as are hereafter provided for in this constitution.

SEC. 2. The high court of errors and appeals shall consist of three judges, any two of whom shall form a quorum. The legislature shall divide the State into three districts, and the qualified electors of each district shall elect one of said judges for the term of six years.

High court of errors and appeals.

SEC. 3. The office of one of said judges shall be vacated in two years, and one in four years, and one in six years—so that, at the expiration of every two years, one of said judges shall be elected, as aforesaid.

Judges how elected, term of office.

SEC. 4. The high court of errors and appeals shall have no jurisdiction but such as properly belongs to a court of errors and appeals.

Jurisdiction.

SEC. 5. All vacancies that may occur in said court, from death, resignation, or removal, shall be filled by election as aforesaid: *Provided, however*, That if the unexpired term do not exceed one year, the vacancy shall be filled by executive appointment.

Vacancies

SEC. 6. No person shall be eligible to the office of judge of the high court of errors and appeals, who shall not have attained, at the time of his election, the age of thirty years.

Where holden.

SEC. 7. The high court of errors and appeals shall be held twice in each year, at such place as the legislature shall direct, until the year eighteen hundred and thirty-six, and afterwards at the seat of government of the State.

First election.

SEC. 8. The secretary of state, on receiving all the official returns of the first election, shall proceed forthwith, in the presence and with the assistance of two justices of the peace, to determine, by lot, among the three candidates having the highest number of votes, which of said judges shall serve for the term of two years, which shall serve for the term of four years, and which shall serve for the term of six years; and, having so determined the same, it shall be the duty of the Governor to issue commissions accordingly.

Term of office.

SEC. 9. No judge shall sit on the trial of any cause when the parties or either of them shall be connected with him by affinity or consanguinity, or when he may be interested in the same, except by consent of the judge and of the parties; and when-

When judge disqualified.

ever a quorum of said court are situated as aforesaid, the Governor of the State shall in such case especially commission two or more men of law knowledge, for the determination thereof.

Salaries.

SEC. 10. The judges of said court shall receive for their services a compensation to be fixed by law, which shall not be diminished during their continuance in office.

Judges of circuit court.

SEC. 11. The judges of the circuit court shall be elected by the qualified electors of each judicial district, and hold their offices for the term of four years, and reside in their respective districts.

Qualifications.

SEC. 12. No person shall be eligible to the office of judge of the circuit court, who shall not at the time of his election, have attained the age of twenty-six years.

Circuits.

SEC. 13. The State shall be divided into convenient districts, and each district shall contain not less than three nor more than twelve counties.

Jurisdiction, &c.

SEC. 14. The circuit courts shall have original jurisdiction in all matters, civil and criminal, within this State; but in civil cases only when the principal of the sum in controversy exceeds fifty dollars.

Chancery courts.

SEC. 15. A circuit court shall be held in each county of this State at least twice in each year; and the judges of said court shall interchange circuits with each other in such manner as may be prescribed by law, and shall receive for their services a compensation to be fixed by law, which shall not be diminished during their continuance in office.

Jurisdiction.

SEC. 16. A separate superior court of chancery shall be established, with full jurisdiction in all matters of equity: *Provided, however*, The legislature may give to the circuit courts of each county equity jurisdiction in all cases where the value of the thing or the amount in controversy does not exceed five hundred dollars; also, in all cases of divorce, and for the foreclosure of mortgages. The chancellor shall be elected by the qualified electors of the whole State, for the term of six years, and shall be at least thirty years old at the time of his election.

Style of process.

SEC. 17. The style of all process shall be "The State of Mississippi," and all prosecutions shall be carried on in the name and by the authority of "The State of Mississippi," and shall conclude, "against the peace and dignity of the same."

SEC. 18. A court of probates shall be established in each county of the State, with jurisdiction in all matters testamentary, and of administration in orphans' business, and the allotment of dower, in cases of idiocy and lunacy. and of persons *non compos mentis*. The judge of said court shall be elected by the qualified electors of the respective counties, for the term of two years.

Probate court.

Jurisdiction.

SEC. 19. The clerk of the high court of errors and appeals shall be appointed by the said court, for the term of four years; and the clerks of the probate and other inferior courts, shall be elected by the qualified electors of the respective counties, and shall hold their offices for the term of two years.

Clerks.

SEC. 20. The qualified electors of each county shall elect five persons, for the term of two years, who shall constitute a board of police for each county, a majority of whom may transact business; which body shall have full jurisdiction over roads, highways, ferries and bridges, and all other matters of county police; and shall order all county elections, to fill the vacancies that may occur in the offices of their respective counties. The clerk of the court of probate shall be the clerk of the board of police.

Board of Police.

SEC. 21. No person shall be eligible as a member of said board, who shall not have resided one year in the county; but this qualification shall not extend to such new counties as may hereafter be established, until one year after their organization; and all vacancies that may occur, in said board shall be supplied by election as aforesaid to fill the unexpired term.

Qualification.

Vacancies

SEC. 22. The judges of all the courts of this State, and also the members of the board of the county police, shall in virtue of their offices, be conservators of the peace, and shall be, by law, vested with ample powers in this respect.

Conservators of the peace.

SEC. 23. A competent number of justices of the peace and constables shall be chosen in each county by the qualified electors thereof, by districts, who shall hold their offices for the term of two years; the jurisdiction of justices of the peace shall be limited to causes in which the principal of the amount in controversy shall not exceed fifty dollars; in all

Constables.

Justices of the peace.

causes tried by justices of the peace, the right of appeal shall be secured, under such rules and regulations as shall be prescribed by law.

Inferior.

SEC. 24. The legislature may, from time to time establish such other inferior courts as may be deemed necessary, and abolish the same whenever they deem it expedient.

Attorney-General.

SEC. 25. There shall be an Attorney-General elected by the qualified electors of the State, and a competent number of district attorneys shall be elected by the qualified voters of their respective districts; whose compensation and term of service shall be prescribed by law.

Contested elections.

SEC. 26. The legislature shall provide, by law, for determining contested elections of judges of the high court of errors and appeals, of the circuit and probate courts, and other officers.

Judges, how removed.

SEC. 27. The judges of the several courts of this State, for wilful neglect of duty or other reasonable cause, shall be removed by the governor, on the address of two-thirds of both houses of the legislature; the address to be by joint vote of both houses. The cause or causes for which such removal shall be required, shall be stated at length in such address, and on the journals of each house. The judge so intended to be removed, shall be notified and admitted to a hearing in his own defense, before the vote for such address shall pass; the vote on such address shall be taken by the yeas and nays, and entered on the journals of each house.

Officers, indicted.

SEC. 28. Judges of probate, clerks, sheriffs, and other county officers, for the wilful neglect of duty, or misdemeanor in office, shall be liable to presentment or indictment by a grand jury, and trial by a petit jury; and, upon conviction, shall be removed from office.

ARTICLE V.

EXECUTIVE DEPARTMENT.

Governor, tenure of office.

SEC. 1. The chief executive power of this State shall be vested in a Governor, who shall hold his office for two years from the time of his installation.

SEC. 2. The Governor shall be elected by the qualified electors of the State. The returns of every election for governor shall be sealed up and transmitted to the seat of government, directed to the Secretary of State, who shall deliver them to the speaker of the House of Representatives at the next ensuing session of the legislature, during the first week of which session the said speaker shall open and publish them in the presence of both houses of the legislature. The person having the highest number of votes shall be Governor; but if two or more shall be equal, and highest in votes, then one of them shall be chosen Governor by the joint ballot of both houses of the legislature. Contested election for Governor shall be determined by both houses of the legislature in such manner as prescribed by law.

How elected.

Contested election for Governor.

SEC. 3. The Governor shall be at least thirty years of age, shall have been a citizen of some one of the States composing the Confederate States of America, for twenty years, and shall have resided in this State at least five years next preceding the day of his election, and shall not be capable of holding the office more than four years in any term of six years.

Qualifications.

SEC. 4. He shall at all times receive for his services a compensation, which shall not be increased or diminished during the term for which he shall be elected.

Compensation.

SEC. 5. He shall be commander-in-chief of the army and navy of this State, and of the militia, except when they shall be called into the service of the Confederate States of America.

Commander-in-Chief.

SEC. 6. He may require information, in writing, from the officers in the executive department, on any subject relating to the duties of their respective offices.

SEC. 7. He may, in cases of emergency, convene the Legislature at the seat of government, or at a different place, if that shall have become, since their last adjournment, dangerous from an enemy or from disease; and in case of disagreement between the two houses with respect to the time of adjournment, adjourn them to such time as he shall think proper, not beyond the day of the next stated meeting of the Legislature.

Governor to convene and adjourn the legislature.

Duty of Governor.

SEC. 8. He shall, from time to time, give to the Legislature information of the state of the government, and recommend to their consideration such measures as he may deem necessary and expedient.

SEC. 9. He shall take care that the laws be faithfully executed.

Power of Governor.

SEC. 10. In all criminal and penal cases, except in those of treason and impeachment, he shall have power to grant reprieves and pardons, and remit fines, and in cases of forfeiture, to stay the collection until the end of the next session of the Legislature, and to remit forfeitures by and with the advice and consent of the Senate. In cases of treason, he shall have power to grant reprieves by and with the advice and consent of the Senate, but may respite the sentence until the end of the next session of the Legislature.

Commissions.

SEC. 11. All commissions shall be in the name and by the authority of the State of Mississippi, be sealed with the great seal, and signed by the Governor, and be attested by the Secretary of State.

Seal of the State.

SEC. 12. There shall be a seal of this State, which shall be kept by the Governor, and used by him officially, and shall be called the Great Seal of the State of Mississippi.

SEC. 13. All vacancies not provided for in this Constitution, shall be filled in such manner as the Legislature may prescribe.

Secretary of State.

SEC. 14. The Secretary of State shall be elected by the qualified electors of the State, and shall continue in office during the term of two years. He shall keep a fair register of all the official acts and proceedings of the Governor, and shall, when required, lay the same, and all papers, minutes and vouchers relative thereto, before the Legislature, and shall perform other duties as may be required of him by law.

Governor to sign or return bills.

SEC. 15. Every bill which shall have passed both houses of the Legislature, shall be presented to the Governor: if he approve, he shall sign it, but if not, he shall return it, with his objections, to the house in which it shall have originated, which shall enter the objections at large upon their journals, and proceed to reconsider it: if, after such reconsideration, two-thirds of the house shall agree to

Veto.

pass the bill, it shall be sent, with the objections, to

the other house, by which it shall likewise be reconsidered: if approved by two-thirds of that house, it shall become a law; but in such case, the vote of both houses shall be determined by yeas and nays, and the names of the members voting for and against the bill shall be entered on the journal of each house respectively: if any bill shall not be returned by the Governor within six days (Sundays excepted) after it shall have been presented to him, the same shall become a law in like manner as if he had signed it, unless the Legislature, by their adjournment, prevent its return; in which case it shall not become a law.

SEC. 16. Every order, resolution or vote to which the concurrence of both houses may be necessary, except resolutions for the purpose of obtaining the joint action of both houses, and on questions of adjournment, shall be presented to the Governor, and, before it shall take effect, be approved by him, or, being disapproved, shall be re-passed by both houses, according to the rules and limitations prescribed in the case of a bill.

SEC. 17. Whenever the office of Governor shall become vacant, by death, resignation, removal from office, or otherwise, the president of the Senate shall exercise the office of Governor until another Governor shall be duly qualified; and in case of the death, resignation, removal from office, or other disqualification of the president of the Senate, so exercising the office of Governor, the speaker of the House of Representatives shall exercise the office until the president of the Senate shall have been chosen; and when the office of Governor, president of the Senate, and speaker of the House, shall become vacant in the recess of the Senate, the person acting as Secretary of State for the time being, shall, by proclamation, convene the Senate, that a president may be chosen to exercise the office of Governor.

Office of Governor vacant, &c.

Further provision.

SEC. 18. When either the president or speaker of the House of Representatives shall so exercise said office, he shall receive the compensation of the Governor only; and his duties as president or speaker shall be suspended, and the Senate or House of Representatives, as the case may be, shall fill the vacancy until his duties as Governor shall cease.

SEC. 19. A sheriff and one or more coroners, a treasurer, surveyor and ranger, shall be elected in each county, by the qualified electors thereof; who shall hold their offices for two years, unless sooner removed; except that the coroner shall hold his office until his successor be duly qualified.

Treasurer and Auditor.

SEC. 20. A State Treasurer and Auditor of Public Accounts shall be elected by the qualified electors of the State, who shall hold their offices for the term of two years, unless sooner removed.

MILITIA.

Militia.

SECTION. 1. The Legislature shall provide, by law, for organizing and disciplining the militia of this State, in such manner as they may deem expedient, not incompatible with the Constitution and the laws of the Confederate States of America in relation thereto.

Militia officers.

SEC. 2. Commissioned officers of the militia (staff officers and the officers of volunteer companies excepted.) shall be elected by the persons liable to perform military duty, and the qualified electors within their respective commands, and shall be commissioned by the Governor.

Powers of Governor to call out militia.

SEC. 3. The Governor shall have power to call forth the militia to execute the laws of the State, to suppress insurrection, and to repel invasion.

ARTICLE VI.

IMPEACHMENTS.

SECTION 1. The House of Representatives shall have the sole power of impeaching.

Impeachment.

SEC. 2. All impeachments shall be tried by the Senate: when sitting for that purpose, the senators shall be on oath or affirmation: no person shall be convicted without the concurrence of two-thirds of the members present.

SEC. 3. The Governor and all civil officers shall be liable to impeachment for any misdemeanor in office; but judgment in such cases shall not extend further than to removal from office, and disqualification to hold any office of honor, trust, or profit

under the State; but the party convicted shall nevertheless, be subject to indictment, trial and punishment, according to law, as in other cases.

ARTICLE VII.

GENERAL PROVISIONS.

SECTION 1. Members of the Legislature, attorneys and counsellors at law, and all officers, executive and judicial, before they enter upon the duties of their respective offices, shall take the following oath or affirmation, to-wit: "I do solemnly swear, (or affirm, as the case may be,) that I will support the Constitution of the Confederate States of America, and the Constitution of the State of Mississippi, so long as I continue a citizen thereof, and that I will faithfully discharge, to the best of my abilities the duties of the office of ———, according to law —So help me, God."

Oath of office.

SEC. 2. The legislature shall pass such laws to prevent the evil practice of dueling, as they may deem necessary; and may require all officers before they enter upon the duties of their respective offices, to take the following oath or affirmation: "I do solemnly swear, (or affirm, as the case may be,) that I have not been engaged in a duel, by sending or accepting a challenge to fight a duel, or by fighting a duel, since the first day of January, in the year of our Lord one thousand eight hundred and thirty-three, nor will I be so engaged during my continuance in office—So help me, God."

Dueling.

SEC. 3. Treason against the State shall consist only in levying war against it, or in adhering to its enemies, giving them aid and comfort. No person shall be convicted of treason, unless on the testimony of two witnesses to the same overt act, or his own confession, in open court.

Treason.

SEC. 4. Every person shall be disqualified from holding an office or place of honor or profit under the authority of this State, who shall be convicted of having given or offered any bribe to secure his election. Laws shall be made to exclude from office or suffrage those who shall hereafter be convicted of bribery, perjury, forgery, or other high

Bribery at elections.

Convicts excluded from office.

crimes or misdemeanors. The privilege of the free suffrage shall be supported by laws regulating elections, and prohibiting, under adequate penalties, all undue influences therein, from power, bribery, tumult, or other improper conduct.

Suffrage.

SEC. 5. No person who denies the being of a God, or a future state of rewards and punishments, shall hold any office in the civil department of this State.

Atheist.

SEC. 6. No laws of a general nature, unless otherwise provided for, shall be enforced until sixty days after the passage thereof.

When laws go into effect

SEC. 7. No money shall be drawn from the treasury, but in consequence of an appropriation made by law; nor shall any appropriation of money for the support of an army be made for a longer term than one year.

Money drawn from treasury.

SEC. 8. No money from the treasury shall be appropriated to objects of internal improvement, unless the bill for that purpose be passed by two-thirds of both branches of the Legislature; and a regular statement and account of the receipts and expenditures of public moneys shall be published annually.

SEC. 9. No law shall ever be passed to raise a loan of money upon the credit of the State, or to pledge the faith of the State for the redemption of any loan or debt, unless such law be proposed in the Senate or House of Representatives, and be agreed to by a majority of the members of each house, and entered on the journals, with the yeas and nays taken thereon, and be referred to the next succeeding Legislature, and published for three months previous to the next regular election, in three newspapers of this State; and unless a majority of each branch of the Legislature so elected, after such publication, shall agree to and pass such a law: and in such case, the yeas and nays shall be taken and entered on the journals of each house; *Provided*, that nothing in this section shall be so construed as to prevent the Legislature from negotiating a further loan of one and a half millions of dollars, and vesting the same in stock reserved to the State by the charter of the Planters' Bank of the State of Mississippi.

State loan

And provided further, That the Legislature may raise a loan of money and pledge the faith of the State for the payment thereof, when required to suppress insurrections, repel invasions, or provide for the defense of the State.

Suits against the State.

SEC. 10. The Legislature shall direct, by law, in what manner, and in what courts, suits may be brought against the State.

Citiz'ship.

SEC. 11. Absence on business of this State or of the Confederate States of America, or on a visit, or necessary private business, shall not cause a forfeiture of citizenship or residence once obtained.

Deduction from salaries.

SEC. 12. It shall be the duty of the Legislature to regulate, by law, the cases in which deductions shall be made from salaries of public officers for neglect of duty in their official capacity, and the amount of such deduction.

Who disqualified from office.

SEC. 13. No member of Congress nor any person holding any office of profit or trust under the Confederate States, (the office of postmaster excepted,) or any other State of the Confederacy, or under any foreign power, shall hold or exercise any office of trust or profit under this State.

Schools and education.

SEC. 14. Religion, morality and knowledge being necessary to good government, the preservation of liberty and the happiness of mankind, schools and the means of education shall forever be encouraged in this State.

Divorces.

SEC. 15. Divorces from the bonds of matrimony shall not be granted but in cases provided for by law, by suit in chancery.

Election returns.

SEC. 16. Returns of all elections by the people shall be made to the Secretary of State, in such manner as may be prescribed by law.

Counties, New.

SEC. 17. No new county shall be established by the legislature, which shall reduce the county or counties, or either of them, from which it may be taken, to less contents than five hundred and sixty-six square miles; nor shall any new county be laid off of less contents.

Indians.

SEC. 18. The legislature shall have power to admit to all the rights and privileges of free white citizens of this State all such persons of the Choctaw and Chickasaw tribes of Indians as shall choose to remain in this State, upon such terms as

the Legislature may from time to time deem proper.

SLAVES.

Emancipation of how made

SECTION 1. The Legislature shall have no power to pass laws for the emancipation of slaves without the consent of their owners, unless where the slave shall have rendered to the State some distinguished service, in which case the owner shall be paid a full equivalent for the slave so emancipated. They shall have no power to prevent emigrants to this State from bringing with them such persons as are deemed slaves by the laws of any one of the United States, so long as any person of the same age or description shall be continued in slavery by the laws of this State; *Provided*, that such person or slave be the *bona fide* property of such emigrants; *and provided, also*, that laws may be passed to prohibit the introduction into this State of slaves who may have committed high crimes in other States. They shall have power to pass laws to permit the owners of slaves to emancipate them, saving the rights of creditors, and preventing them from becoming a public charge. They shall have full power to oblige the owners of slaves to treat them with humanity, to provide for them necessary clothing and provisions, to abstain from all injuries to them extending to life or limb, and in case of their neglect or refusal to comply with the directions of such laws, to have such slave or slaves sold for the benefit of the owner or owners.

Slaves convicted of crimes.

Treatment of slaves.

SEC. 2. The introduction of slaves into this State as merchandize, or for sale, shall be prohibited from and after the first day of May, eighteen hundred and fifty-three; *Provided*, that the actual settler or settlers shall not be prohibited from purchasing slaves in any other State in this Union and bringing them into this State for their own individual use, until the year eighteen hundred and forty-five.

Slaves as merchandize.

SEC. 3. In the prosecution of slaves for crimes of which the punishment is not capital, no inquest by a grand jury shall be necessary; but the proceedings in such cases shall be regulated by law.

Prosecution of slaves.

MODE OF REVISING THE CONSTITUTION.

Whenever two-thirds of each branch of the legislature shall deem any change, alteration or amendment necessary to this constitution, such proposed change, alteration or amendment shall be read and passed by a majority of two-thirds of each house respectively on each day for three several days; public notice thereof shall then be given by the Secretary of State, at least six months preceding the next general election, at which the qualified electors shall vote directly for or against such change, alteration or amendment; and if it shall appear that a majority of the qualified electors voting for members of the legislature shall have voted for the proposed change, alteration or amendment, then it shall be inserted, by the next succeeding legislature, as a part of this constitution, and not otherwise. Constitution, how revised.

SCHEDULE.

SECTION 1. All rights vested, and all liabilities incurred, shall remain the same as if this constitution had not been adopted. Rights vested.

SEC. 2. All suits at law or in equity, now pending in the several courts of this State, may be transferred to such courts as may have proper jurisdiction thereof.

SEC. 3. The Governor, and all officers, civil and military, now holding commissions under the authority of this State, shall continue to hold and exercise their respective offices until they shall be superseded pursuant to the provisions of this constitution, and until their successors be duly qualified. Officers, &c.

SEC. 4. All laws now in force in the State, not repugnant to this Constitution, shall continue to operate until they shall expire by their own limitation, or be altered or repealed by the Legislature.

SEC. 5. Immediately upon the adoption of this constitution, the president of this convention shall issue writs of election, directed to the sheriffs of the several counties, requiring them to cause an election to be held on the first Monday and day

following in December next, for members of the Legislature, at the respective places of holding elections in said counties; which elections shall be conducted in the manner prescribed by the existing election laws of the State; and the members of the Legislature, thus elected, shall continue in office until the next general election, and shall convene at the seat of government on the first Monday in January, eighteen hundred and thirty-three; and shall, at their first session, order an election to be held in every county of this State, on the first Monday of May and day following, eighteen hundred and thirty-three, for all state and county officers under this constitution, (members of the Legislature excepted:) and the other officers then elected shall continue in office until the succeeding general election, and after, in the same manner as if the election had taken place at the time last aforesaid.

How long officers first elected to continue in office.

SEC. 6. Until the first enumeration shall be made, as directed by this Constitution, the apportionment of senators and representatives among the several districts and counties in this State, shall remain as at present fixed by law.

P. RUTILUS R. PRAY,
President of the Convention, and Representative from the county of Hancock.

ATTEST:
JOHN H. MALLORY, *Secretary.*

AMENDMENTS TO THE CONSTITUTION.

SLAVES.

The Legislature shall have, and are hereby vested with power to pass such laws regulating or prohibiting the introduction of slaves into this State, as may be deemed proper and expedient.

Adopted, February 2d, 1846.

BOARD OF POLICE.

The qualified electors of each county shall elect five persons, by districts, for the term of two years, who shall constitute a Board of Police of each county, a majority of whom may transact business; which body shall have full jurisdiction over roads, highways, ferries and bridges, and all other matters of county policy; and shall order all county elections to fill vacancies that may occur in the offices of their respective counties.

The clerk of the Court of Probate shall be clerk of the Boards of County Police.

Adopted, March 12th, 1852.

CHANCERY COURT.

Chancery Courts, with full jurisdiction in matters of equity, shall be held in each judicial district by the circuit judge thereof, at such time and place as may be directed by law. The Superior Court of Chancery, and the several Vice-Chancery Courts, shall continue as now organized, until the first Monday of November, one thousand eight hundred and fifty-seven, for the disposition of cases now depending therein. The Legislature shall provide by law for the preservation of the records of the said Superior Court of Chancery and of said Vice-Chancery Courts, and also for the transfer of all causes, that may remain undetermined therein, to other courts, for final decision.

Adopted, February 6th, 1856.

TENURE OF PUBLIC OFFICERS.

All public officers in this State, Legislative, Executive and Judicial, whose terms of office expire at the general election to be held in the year one thousand eight hundred and fifty-seven, or at any subsequent general election, shall continue to hold their offices until the first Monday of January next following the expiration of said terms, and until their successors shall be qualified; *Provided*, such of said officers as are required to give bond for the

discharge of their duties, shall give bond and security for the said extended term, as may be provided by the Legislature; and the terms of office of all officers chosen at the general election in the year eighteen hundred and fifty-seven, or at any subsequent general election, shall commence on the first Monday of January next succeeding the election, and shall continue for the time now fixed by the constitution, and until their successors shall be qualified.

Adopted, February 6th, 1856.

ELECTIONS.

All general elections by the people of this State shall be held on the first Monday in October, and be concluded in one day; on the first Monday in October, 1857, and biennially thereafter, an election shall be held for representatives in Congress, and all State officers and members of the Legislature, except for officers and senators entitled to hold over after November, 1857, who shall continue in office until their successors are entitled to succeed them therein. The Legislature shall convene on the first Monday of November, 1857, and biennially thereafter, but may be especially convoked by the Governor at other times. The Governor's official term shall commence on the third Monday of November, and that of the Secretary of State, Auditor of Public Accounts, State Treasurer and Attorney General, on the first Monday of January next after his and their election; but the Attorney General shall hold his office, as heretofore, for the term of four years. On the first Monday of October, 1858, and biennially thereafter, an election shall be held for all county, district, judicial and ministerial officers, (except officers who may then be entitled to hold over after January, 1859, or until the time of holding another election;) and the official term of all such officers then and thereafter elected, shall commence on the first Monday of January next after this election; but all such officers elected in 1855, or previously, whose official terms, in the absence of this provision,

would expire in November, 1857, shall continue in office until the first Monday of January, 1859.

Adopted, February 2d, 1856.

AMENDMENTS BY THE STATE CONVENTION.

Be it ordained and declared, and it is hereby ordained and declared, That the Legislature shall have power to fix the time of holding all elections, and may adjust the terms of office to conform to any changes hereafter to be made, and may fix the time for the commencement of its biennial sessions.

Be it ordained and declared, and it is hereby ordained and declared, That if any part of the present Constitution of the State of Mississippi shall be in conflict with any ordinance passed by this Convention, such part of the said Constitution shall be held to be abrogated and annulled to the extent of such conflict, but no farther.

Adopted, January 26th, 1861.

WILLIAM S. BARRY,
President o fhe Convention.

ORDINANCES

OF THE

STATE OF MISSISSIPPI.

CHAPTER I.

AN ORDINANCE to adopt and ratify the Constitution adopted by the Convention at Montgomery, Alabama.

SECTION. 1. *Be it ordained by the people of Mississippi in Convention assembled*, And it is hereby ordained by authority of the same, that the Constitution adopted by the Convention at Montgomery, in the State of Alabama, in the year of our Lord one thousand eight hundred and sixty-one, for the permanent Federal Government of the Confederate States of America, be and the same is hereby adopted and ratified by the State of Mississippi, acting in its sovereign and independent character, and the State of Mississippi hereby accedes to and becomes a member of the Confederacy provided for in said Constitution.

Adopted, March 29, 1861.

CHAPTER II.

AN ORDINANCE appointing A. M. Clayton, W. S. Barry, J. A. P. Campbell, W. Brooke, W. P. Harris and James T. Harrison, representatives or delegates from this State, in the Provisional Congress of the Confederate States of America.

WHEREAS, The Congress contemplated in the resolutions of this Convention, adopted January 26th, 1861, was not created under the Provisional Constitution of the Confederate States; *And Whereas*, it is desirable to conform the action of this Convention to the provisions of the said provisional Constitution; Therefore,

SECTION 1. *Be it ordained by the people of the State of Mississippi in Convention assembled*, That A. M. Clayton. W. S. Barry, J. A. P. Campbell, W. Brooke, W. P. Harris and Jas. T. Harrison, be, and they are hereby appointed representatives or delegates from this State, in the Provisional Congress of the Confederate States of America.

SEC. 2. *Be it further ordained*, That this Convention now proceed to the election of another delegate or representative from this State to said Provisional Congress, and that said election be conducted by ballot.

SEC. 3. *Be it further ordained*, That we cordially approve and endorse the action of our delegates at Montgomery.

Passed Convention, March 30, 1861.

CHAPTER III.

AN ORDINANCE in relation to lands in the State of Mississippi belonging to Indian Orphans.

SECTION 1. *Be it enacted by the people of Mississippi in Convention assembled*, That all lands situate in this State, which by treaty stipulations,

or otherwise, belongs to Indians, especially those lands reserved to the Orphans of the Chickasaw or Choctaw tribes of Indians, shall be sold by the rigister and receiver of the Land office, at the city of Jackson, on the same terms, and in the same manner they were sold prior to the Ordinance of Secession, passed by the Convention of this State, on January the 9th, 1861.

SEC. 2. *Be it further ordained*, That the proceeds of such sales shall be paid by the receiver of the land office into the State Treasury, and it shall be the duty of the treasurer of the State to keep an accurate account of the amounts so received, and not appropriate or pay the same upon any demand against the State, but safely keep the same until legislation is had upon the subject by the legislature of the State of Mississippi, or the Congress of the Confederate States.

SEC. 3. *Be it further ordained*, That the Convention of the State of Mississippi desire that the Congress of the Confederate States shall control the funds arising from the sales aforesaid, in trust for said Indians, and make such settlement with them in relation thereto, and the government of the United States of America, as shall be equitable and proper.

Passed Convention, March 29th, 1861.

CHAPTER IV.

AN ORDINANCE to define the power of the Legislature of this State, in relation to the Ordinances and Resolutions adopted by this Convention.

SECTION 1. *Be it ordained by the people of the State of Mississippi in Convention assembled*, That all the Ordinances and Resolutions adopted by the people of this State, assembled in this Convention, shall be subject to repeal or modification, by the legislature of this State in the same manner as if they had been passed by that body, except the following, to-wit: "An ordinance entitled an ordi-

nance to dissolve the union between the State of Mississippi, and the other States united with her under a compact entitled, "the Constitution of the United States of America," adopted, on the 9th day of January, A. D. 1861," and "an Ordinance entitled, an Ordinance to adopt and ratify the Constitution, adopted at Montgomery, Alabama, A. D. 1861, adopted on the 29th day of March, A.D. 1861," and an ordinance entitled "an Ordinance to amend the Constitution of the State of Mississippi in certain particulars, adopted on the 26th day of January, A. D. 1861," and also an ordinance entitled "an Ordinance to amend the Constitution of the State of Mississippi in several particulars," adopted on the 30th day of March, A. D. 1861. and so much of an ordinance adopted on the 26th day of January, A. D. 1861, entitled an ordinance to raise means for the defense of the State, as is therein declared to be irrepealable.

Adopted March 30, 1861.

CHAPTER V.

AN ORDINANCE for the relief of certain Counties of this State.

WHEREAS, It has been brought to the knowledge of this Convention that in consequence of the protracted and destructive drouth of the last summer, there was almost a total failure of the grain crop in several of the counties of this State, and the inhabitants of such counties cannot provide themselves with necessary supplies of food until another crop shall mature: Therefore, in order to afford the required relief to the citizens of this State who may be involved in this misfortune and destitution.

SEC. 1. *Be it ordained by the people of Mississippi in Convention assembled*, That the Boards of Police of the several counties in this State, referred to in the foregoing preamble, shall have full

Duty Boards Police.

power and authority to employ any funds belonging to such counties that may be in said county treasuries respectively, in the purchase and procurement of corn, or such other necessary articles of food as the inhabitants of such counties may require, and if the monies so appropriated, shall belong to the school, or other trust fund of the county, the Board of Police of such county shall make provision for the re-payment of the same into the county treasury, within the period of three years, by a special tax to be levied by such Board of Police for that purpose.

County Warrants when to be issued.

SEC. 2. *Be it further ordained*, That when there are no funds of the county to be used as above provided, the Board of Police of any county requiring supplies of food as aforesaid, shall have power and authority to issue county warrants for such an amount as the exigencies of the inhabitants of such county may render necessary, which warrants shall be made payable to the State of Mississippi, within one year after the date of the same, and shall bear interest at the rate of ten per cent. per annum from their date; and upon depositing such warrant or warrants with the auditor of public accounts of this State, accompanied by a written certificate or declaration of the Board of Police issuing the same, and verified by the official seal of such Board of Police, that such warrant or warrants are issued only for the purpose of procuring food necessary for the relief of the inhabitants of such county, and that the proceeds thereof shall be faithfully so applied, it shall be the duty of the auditor to issue his warrant upon the State treasury, in favor of the Board of Police of such county, for the amount of the county warrants so deposited with him to be paid out of any funds in the treasury, not otherwise appropriated; and such warrants issued by the auditor of public accounts shall be received in the payment of taxes due the State, and may be redeemed by the sheriff of any county having tax funds in his hands belonging to the State, or received in payment of treasury notes issued under a former ordinance of this Convention; *Provided*, the auditor shall not issue warrants in favor of the Board of Police, of any one

Auditor may issue warrant.

county for an amount exceeding the sum of three thousand dollars ($3000) until after the 15th day of May next; that each county intended to be relieved by this ordinance, may obtain the benefit of its provisions, nor shall the aggregate amount of all the warrants issued by the auditor as herein provided, exceed the sum of one hundred thousand ($100,000) dollars.

Special tax how levied.

SEC. 3. *Be it further ordained*, That it shall be the duty of the Board of Police of each county availing itself of the provisions of this ordinance, to levy a special tax sufficient to redeem and discharge the county warrants issued by such Board of Police, and deposited with the auditor of public accounts, as herein provided; and upon the maturity of said warrants it shall be the duty of such Board of Police to pay to the auditor the amount due thereon, and he shall keep an account of the number and description of the county warrants so deposited with him and of the monies received by him, in redemption thereof, and shall pay over the same into the State treasury.

Adopted March 30, 1861.

CHAPTER VI.

RESOLUTIONS in relation to the Secretary of the Convention.

Resolved, That E. P. Russell, Secretary of the Convention, be allowed the sum of fifty dollars for services rendered, in revising and correcting the Journals of the Convention, held in January last, to be paid for out of any money in the treasury not otherwise appropriated, on the warrant of the auditor of public accounts.

Resolved further, That he be allowed three extra days after the adjournment of the Convention to complete the duties assigned him, and that he be allowed the compensation fixed by law, to be paid for out of any money in the treasury not otherwise

appropriated, on the warrant of the auditor of public accounts.

Adopted March 29, 1861.

CHAPTER VII.

A RESOLUTION authorizing the Auditor of Public Accounts to issue duplicate warrants to W. T. Huggins and Thos. M. Blackwell.

Resolved, by the Convention of Mississippi, That the auditor of public accounts be authorized to issue duplicate warrants to W. T. Huggins, assessor of the county of Chickasaw, for a sum not to exceed two hundred dollars, issued on the ——— day of ———, 1860, and to Thos. M. Blackwell, clerk of the Circuit Court of said county, for a sum not to exceed two hundred dollars, issued on the ——— day of ———, 1860, upon their entering into bond and security to the State of Mississippi, respectively, in double the amount of said sums, the bonds to be approved by the auditor to secure the State against all losses in the premises.

Adopted March 30, 1860.

CHAPTER VIII.

RESOLUTION in relation to the State of Mississippi subscribing for five hundred copies of the proceedings, debates, &c, as published by J. L. Power.

Resolved, by the people of the State of Mississippi, in Convention assembled, That the State of Mississippi hereby subscribes for five hundred copies of the Proceedings, Debates, &c., of the first session of this Convention, as published by J. L. Power: *Provided*, That he add thereto the

proceedings, ordinances, &c. of this session, and the debates in full on the ratification of the Permanent Constitution of the Confederate States of America: *And provided further*, That the cost of each volume shall not exceed one dollar and fifty cents; and when the said work is published, one copy shall be sent to each member of this Convention, and the balance to be delivered to the Secretary of State; fifty copies to be preserved in his office, and the balance to be distributed among the several courts of this State; and on the certificate of the Secretary of the State that the terms of this resolution have been complied with, the auditor shall issue his warrant in behalf of the said J. L. Power.

Adopted March 30, 1861.

CHAPTER IX.

RESOLUTION authorizing the President of the Convention to issue Certificates in favor of Samuel Benton, H. W. Walton, James R. Chalmers, and Israel Welsh.

Resolved, by the people of Mississippi in Convention assembled, That the President of the Convention be and is hereby instructed upon the final adjournment of this body to issue certificates in favor of Hons. H. W. Walter, Samuel Benton, James R. Chalmers, and Israel Welsh, for such sums respectively as their mileage and per diem during the present called session would amount to, they being delegates to this Convention whose absence is occasioned by their response to the call of the State Executive for volunteer troops to be placed at the disposal of the government of the Confederate States.

Adopted March 29, 1861.

CHAPTER X.

RESOLUTIONS in relation to the Mississippi Volunteers.

1st. *Resolved, by the people of Mississippi in*

Convention assembled, That the prompt response of the gallant Mississippi Volunteers to the call of the President of the Confederate States, deserves the highest commendation of the Convention, and gives the strongest assurance of attachment of the people of Mississippi to the common cause.

2d. *Resolved*, That the Convention deems it proper to convey to the volunteers the assurance that Mississippi will promptly attach herself to the Confederacy to whose standard her citizen soldiers are rallying.

3rd. *Resolved*, That the President of this Convention telegraph these resolutions to the officers in command of the volunteers at Mobile, and request him to cause them to be read at the heads of companies.

Adopted March 28, 1861.

CHAPTER XI.

A RESOLUTION in relation to the publication of the Journals and Ordinances of the present cession of the Convention.

Resolved, by the State of Mississippi in Convention assembled, That the provisions of an ordinance adopted January 26, 1861, for publication of the Ordinances and Journals, shall be applied to the publication of the Journals and Ordinances of this cession.

Adopted March 30, 1861.

CHAPTER XII.

AN ORDINANCE in reference to the Marine Hospital at Vicksburg.

SEC. 1. *Be it ordained by the people of Mississippi in Convention assembled*, That the Marine Hospital at the City of Vicksburg, be and the same

same is hereby tendered to the Government of the Confederate States, to be applied to the purpose for which it was erected, and that the Governor be authorized to make, or cause to be made such deed of transfer and assignment as may be necessary so soon as the Government aforesaid shall signify to him its acceptance of said building and premises.

Adopted March 30, 1861.

CHAPTER XIII.

AN ORDINANCE to provide a Coat of Arms and Flag for the State of Mississippi.

SEC. 1. *Be it ordained by the people of Mississippi in Convention assembled*, That the Governor of this State be authorized and requested to have prepared a Coat of Arms and Flag for this State, according to the recommendations of the report of the special committee having charge of those matters, made to the late session of this body, except that the design representing the Eagle, the nest of eaglets, and serpent be omitted, and he shall cause said Coat of Arms to be engraved as the seal of this State, to be used in all cases when said seal is necessary, but this ordinance shall not render illegal or invalid the use of such seals as may be now used by any County or State officer in verifying his official act.

Adopted March 30, 1861.

CHAPTER XIV.

RESOLUTION in relation to the Organization of the Permanent Government under the Constitution of the Confederate States.

Resolved, by the people of Mississippi in Convention assembled, That it is the sense of this

Convention that the Government under the Permanent Constitution of the Confederate States should be organized and put into operation, at as early a period as practicable and consistent with the public safety, and that the delegates of this State to the Provisional Congress, be requested to urge the policy indicated by this resolution upon that body.

Adopted March 30, 1861.

CHAPTER XV.

A RESOLUTION in relation to certain Volunteer Companies therein named.

Resolved, by the people of the State of Mississippi in Convention assembled, That the officers and private soldiery of the following named volunteer companies; Chickasaw Guards, commanded by Capt. Tucker; Columbus Riflemen, commanded by Capt. Baldwin; Lowndes Southrons, commanded by Capt. George Lipscomb; Prairie Guards, commanded by Capt. J. T. W. Hairston; Noxubee Rifles, commanded by Capt. Weir; Quitman Light Infantry, commanded by Capt. Duck; Enterprize Guards, commanded by Capt. John W. O'Ferrell; Lauderdale Rifles, commanded by Capt. Constantine Rea; and Col. C. H. Abert, Lieut. W. B. Wade, Major S. F. Butler, Quarter-Master Wm. H. Brown, and Commissary Charles F. Moreton, be allowed one month's pay at the rate which is now allowed by law for officers and private soldiers in active service, for their services at Pensacola; and that the captains of the above mentioned companies are authorized to draw the pay for their respective companies, and that the auditor of public accounts issue his warrants for the same, payable out of the Military Fund.

Adopted March 25, 1861.

CHAPTER XVI.

AN ORDINANCE to authorize the entry and sale of waste and unappropriated lands in the State of Mississippi.

SEC. 1. *Be it ordained by the people of the State of Mississippi in Convention assembled*, That so much of the ordinance adopted by this Convention on the twenty-sixth day of January, A. D. 1861, suspending the sale and entry of waste and unappropriated lands in this State, formerly held by the United States, be and the same is hereby repealed.

Registers and Receivers, duty of.

SEC. 2. *Be it further ordained*, That the Registers and Receivers of the several Land Offices in this State, be and they are hereby required and authorized to perform all the duties relating to the sale and entry of said lands in the name of the State of Mississippi, according to the rules and regulations heretofore existing under the laws of the United States, so far as the same is applicable: *Provided*, that this ordinance shall be held to offer said lands for sale and entry without any other offer or proclamation for that purpose; and shall authorize the sale and entry of said lands, according to the laws, rules and regulations of the United States in force on January 9th, 1861.

Of returns.

SEC. 3. *Be it further ordained*, That all returns and reports of the registers and receivers of the Land Offices in this State, required to be made by the laws of the United States in force on the 9th day of January, 1861, to any office, bureau, or department of the government of said United States, shall hereafter be made by them to the Secretary of State of the State of Mississippi.

Bond required.

SEC. 4. *Be it further ordained*, That the registers and receivers of said land offices shall immediately, before they shall be authorized to act under this ordinance, execute a bond with sufficient security, in a penalty of $, to be approved by the Governor, payable to the State of Mississippi, conditioned that they will faithfully discharge all their duties according to law, and pay over all monies that may come to their hands, by virtue of their offices, to the treasury of the State

of Mississippi, at such times as shall be required by law.

SEC. 5. *Be it further ordained*, That it shall be the duty of the receivers of said land offices to pay over all monies that may come to their hands, by virtue of their said offices, to the State Treasurer of the State of Mississippi, quarterly, on the first day of January, April, July, and October in each year.

Money when paid over.

SEC. 6. *Be it further ordained*, That all live oak timber upon the aforesaid lands, be and the same are hereby reserved from sale, and all such timber is hereby donated and appropriated to the Government of the Confederate States of America, for the purpose of ship-building, and said Government is hereby authorized and empowered to enter on any of said lands, and cut and carry off said timber, either before or after the sale of said lands.

Live Oak timber.

SEC. 7. *Be it further ordained*, That this ordinance shall not go into effect until the Constitution of the Confederate States of America shall be ratified by this State, and at least four other States; and this ordinance shall also be subject to repeal, alteration or amendment, by the Legislature.

SEC. 8. *Be it further ordained*, That it shall be lawful for any person who was a citizen of the State of Mississippi, on the 9th day of January, 1861, and who was at that time the bona fide holder in his own right of any land warrants issued by the Government of the United States, to use such land warrants in the entry of any of said lands, in the same manner that such land warrants were then subject to be used, in the entry of such lands, under the laws of the United States then in force: *Provided*, That before any such land warrants shall be used in the entry of said lands, the holder and owner thereof shall be required to file with the receiver of the land office when such warrant is proposed to be used, an affidavit that he or she was on the 9th day of January, 1861, the bona fide holder and owner in his own right of such land warrant.

U.S. Warrants may be used.

SEC. 9. *Be it further ordained*, That any citizen of this State to whom any such land warrants

have been issued since the 9th day of January, 1861, may use such warrants in the entry of lands as provided for in last section, by making and filing affidavit as therein required that he or she was at the time of issuing the same a citizen of this State.

Of vacancies.

SEC. 10. *Be it further ordained*, That in case any vacancy shall occur in any of said offices of register or receiver, the same shall be filled by appointment of the Governor, by and with the consent of the Senate, if the Senate be in session, and if not in session, then the said appointment shall not extend beyond the expiration of the next succeeding session of the Senate, unless confirmed by that body.

Adopted March 28, 1861.

CHAPTER XVII.

AN ORDINANCE to revise and amend the law in relation to Foreign Insurance Companies.

SEC. 1. *Be it ordained by the people of Mississippi in Convention assembled*, That the law in relation to Foreign Insurance Companies as found on page 303 of the Revised Code of the State of Mississippi, section 11, is hereby continued in force, and that the 58th article of said law be amended as follows, to wit: It shall be unlawful for any agent of any Insurance Company incorporated by any foreign government or State, other than one of the Confederate States of America, to transact business of Insurance in this State, without first obtaining a certificate from the auditor of public accounts, such agent having first filed in the office of said auditor, a statement under the oath of the Secretary, or President of such Company, setting forth the charter or act of Incorporation of the Company, for which he or they may act, and the matters required to be specified by the preceding article of said law, and the authority therein mentioned, and furnishing evidence to the satisfaction of the auditor, that such Company is possessed of

at least one hundred and fifty thousand dollars in actual capital paid up and invested in stocks of at least par value, or in bonds and mortgages of real estate, with double the amount for which the same is mortgaged or in actual cash; and upon filing of the aforesaid statement and instrument with the auditor under the oath of the Secretary or President, and furnishing him with certificates or other satisfactory evidence of such investment as aforesaid, it shall be the duty of said auditor to issue a certificate thereof, with authority to agents to transact business of Insurance in this State, to be governed in all other respects as under the provisions of the law to which this is an amendment.

SEC. 2. *Be it further ordained*, That the law which this ordinance revives and amends, may hereafter at any time be altered, changed or abolished by the Legislature.

SEC. 3. *Be it further ordained*, That this ordinance and the act to which this is an amendment, shall not be so construed as to apply to Life Insurance Companies.

SEC. 4. *Be it further ordained*, That this ordinance shall take effect and be in force from and after its passage.

Adopted March 27, 1061.

CHAPTER XVIII.

AN ORDINANCE to provide for the appointment of electors for President and Vice President of the Confederate States of America.

SECTION 1. *Be it ordained by the people of the State of Mississippi, in Convention assembled*, That whenever an election for President and Vice President of the Confederate States of America, shall be provided for by law, the Governor of this State, be, and he is hereby authorized and required to issue writs of election for nine electors, to be chosen by the qualified voters of this State at the time

designated by law, who when elected, shall cast the vote of this State for such President and Vice President of the Confederate States of America.

SEC. 2. *Be it further ordained*, That said election shall be conducted in all things according to the laws now in force in regard to elections.

Passed Convention, March 30th, 1861.

CHAPTER XIX

AN ORDINANCE to alter and modify the Ordinance, entitled, "An Ordinance concerning the jurisdiction and property of the United States of America, in the State of Mississippi."

The people of Mississippi in Convention assembled, do ordain and declare as follows:

SEC. 1. That so much of the Ordinance of this Convention, entitled, an Ordinance concerning the jurisdiction and property of the United States of America, passed, January 17th, 1861, as vests the title to fortifications, light houses, hospitals and custom houses in the State of Mississippi, be so far altered and modified as to vest the same in the Confederate States of America.

SEC. 2. That the third and fourth sections of said Ordinance, be and the same are so far modified and altered as not to conflict with the act of Congress of the Confederate States organizing the judicial courts of the Confederate States, or with the Constitution thereof.

Adopted, March 30th, 1861.

CHAPTER XXI.

AN ORDINANCE supplemental to an Ordinance, entitled, an Ordinance to raise means for the defense of the State," adopted the 26th day of January, A. D. 1861.

The people of the State of Mississippi in Convention assembled, do declare and ordain as follows, to-wit:

SECTION 1. That the Auditor of Public Accounts shall in settling with the tax collectors of such counties whose boards of police shall have caused any surplus of money in their respective county treasuries to be paid to the proper tax collector in or towards the discharge of the tax of fifty per centum, levied by said Ordinance, as authorized in the last proviso in the first section of said Ordinance, allow to said tax collectors for the insolvencies which may be allowed in the regular State tax; and, also, such commissions for the benefit of the counties respectively, as would have been allowed to said tax collectors, had they collected the said tax of fifty per centum from the people, so that such counties shall only pay into the State Treasury, on account of the Military fund, the amount that they would have respectively paid had the said Boards of Police not paid the same out of the county treasuries.

SEC. 2. That this Ordinance take effect from and after its adoption.

Passed Convention, March 29th, 1861.

CHAPTER XX.

AN ORDINANCE making certain appropriations therein named.

SECTION 1. *Be it ordained by the people of the State of Mississippi, in Convention assembled*, That the Auditor of Public Accounts shall issue his war-

rant on the State Treasury for the following accounts, to be paid out of any money in the Treasury not otherwise appropriated, which shall be in full of said accounts, to-wit: To E. Barksdale, for furnishing daily Mississippian and printing, the sum of one hundred and thirty-eight dollars, ($138 00;) To C. R. Dickson, post master, for postage, the sum of seven dollars and ten cents, ($7 10;) To Samuel Pool, for ice, candles, sand, paste, &c., furnished the Convention, the sum of twenty-eight dollars, ($28 00;) To boy Jeffrey, for six day's attendance on Convention, the sum of twelve dollars, ($12 00;) To L. Julienne, for stationery, the sum of eighteen dollars and twenty-five cents, ($18 25;) To John J. Pettus, Governor of the State, the sum of five thousand dollars, ($5,000,) to supply deficiency in defraying the expenses incident to the concentration of Mississippi forces at Pensacola, during the month of January, 1861; To the South Western Telegraph Company, David Flannery, agent, the sum of eighteen dollars and seventy-five cents, ($18 75) amount due for telegraphing under direction of the Convention; to Samuel Pool, for extra services as door keeper, the sum of twelve dollars, ($12 00.)

Adopted, March 30th, 1861.

CHAPTER XXII.

AN ORDINANCE to authorize the Governor of the State of Mississippi to transfer Volunteers to the service of the Confederate States.

SECTION 1. *Be it ordained by the People of the State of Mississippi in Convention assembled,* That when the State of Mississippi shall be called on for troops by the President of the Confederate States, he is hereby authorized to order into the service of said Confederacy, so many of the said Volunteers

heretofore enlisted, or who may be hereafter enlisted under "an Ordinance to regulate the Military System of the State of Mississippi," adopted, January 23d, 1861, as may be necessary to answer such requisition. *Provided*, That the period of such service shall not exceed the period of their original enlistment, and that the Governor shall determine the priority of the right of companies, to be ordered into service, by the priority of their completeness of organization.

W. S. BARRY,
President of the Convention.

Passed Convention, March 30th, 1861.
E. P. RUSSELL, Secretary.

INDEX TO JOURNAL.

ABSENCE—leave of granted to Messrs. Backstrom, Bullard and Denson..... 40
of J. L. Alcorn..... 45
ADJOURNMENT—*sine die* 31, 48
ALCORN, J. L.—communication from 45
COMMITTEES—on Constitution of Confederate States 21
on waste and unappropriated lands.. 26
to fill vacancies on Military committee.....26, 30
CONSTITUTION—of the Confederate States....5 to 20
ELECTION—of Secretary 4, 24
of delegate to Montgomery to fill vacancy by resignation of W. S. Wilson 46
JOHNSTON, J. S.—resignation of seat in Convention 25
MESSAGE—from the Governor..... 31
ORDINANCE—by Mr. Clayton of Lowndes, to provide for the ratification of a constitution of the Confederate States by the people..... 21
by Mr. Yerger,—do, do, do....21, 34
by Mr. Glenn, to ratify by this convention..... 21
to repeal to regulate the Military System of the State.....22, 24
to provide for election of delegates to ratify permanent Constitution in Convention.....23, 27
Mr. Wood's substitute referring to the people.....24, 25, 26, 34
Mr. Fontaine's substitute referring to the people.....26, 27, 28, 29, 30, 33
to authorize entry and sale of waste and unappropriated lands 26
in relation to Foreign Insurance Companies 26
in relation to Land Office in Paulding 28
in relation to Judgments and Decrees.....30, 41

ORDINANCE—supplemental to raise means for defense of the State..... 32
Mr. Rogers' substitute to ratify permanent constitution..... 35
to suspend action for collection of certain debts 38
in relation to lands of Indian orphans 39
to confer certain powers in the legislature..... 39
to amend State Constitution..... 39
in relation to Hospital at Vicksburg 40
to amend to regulate Military System of this State..... 40
concerning jurisdiction of property in this State..... 41
to provide for electors of President and Vice President of Confederate States 41
to regulate the Militia of the State, 41, 44
authorizing investment in trust deeds, &c..... 42
appointing representatives in Congress of Confederate States..... 43
to provide a Coat of Arms and Flag for State..... 43
to define power of legislature.....44, 45
making certain appropriations..... 45
supplemental to raise means for defense of State..... 45
authorizing Governor to tender volunteers to Confederate States 46
RESOLUTIONS—in relation to transfer of volunteers.....21, 22
in relation to pay of volunteers at Pensacola..... 21
instructing committee on Confederate Constitution to report ordinance of ratification 21, 22
referring the Permanent Constitution to the people..... 22
authorizing the raising of a Confederate Flag..... 27
defining the hour to take a vote on the Permanent Constitution of Confederate States, ...27, 28, 30

RESOLUTIONS—in relation to volunteers.....29, 36
appointing a committee to purchase corn for the poor of the State, 29, 38
suspending civil and chancery suits, 29, 37
authorizing certain absent members to draw pay..... 37
authorizing the Governor loan to certain counties for supply of corn 37, 40
to divide the State into Congressional Districts 37
in favor of E. P. Russell..... 39
requiring all officers to take oath to support constitution of Confederate States..... 39
in relation to publishing to Convention proceedings..... 42
in relation to immediate adoption of Permanent Constitution of Confederate States..... 44
in relation to lithographing and photographing State Seal..... 44
authorizing auditor to issue duplicate warrants to certain persons 46
of thanks to W. S. Barry..... 46
in relation to publication of ordinances, &c. of this Convention.. 46
of thanks to E. P. Russell and R. C. Miller..... 46
allowing per diem to reporter of Convention 47
REPORTS-of committee on permanent constitution, 24, 27 28, 32, 35.
Minority report " " " 24
of committee on Enrolled Ordinances, 27, 30, 36, 40, 47.
of committee on waste and unappropriated lands..... 28
of committee for relief of poor..... 38
of " on State Constitution 40
STATE SEAL—communication of M. L. Carlisle, in relation to photographing and lithographing seal.....42, 44
WILSON, W. S.—resignation of seat in Confederate Congress 25
YEAS & NAYS—23, 33, 34, 35, 37, 41, 45.

INDEX TO ORDINANCES.

CONSTITUTION—bill of rights, equality of rights, political power, and right to change gover'nt 49
religious worship free to all..... 50
no preference given... 50
truth to be given in evidence, ... 50
security of person, &c., from search warrant.. 50
accused how heard and convicted..... 50
proceedings in indictable offences, life, &c., not to be put twice in jeopardy for the same offence 51
justice to be administered to all without sale, &c. 51
power of suspending laws, &c..... 51
excessive bail not to be required..... 51
bailable offences..... 51
when debtor not to be imprisoned..... 51
no conviction shall work corruption of blood... 51
no ex post facto law, etc., eligibility to office, estates of suicides..... 52
right of petition—to bear arms..... 52
no standing army, no soldiers to be quartered.. 52
no hereditary emoluments, etc..... 52
emigration act to be prohibited..... 52
trial by jury, prosecuting or defending suits.. 52
tenure of office, these powers excepted out of the general powers of the government, distribution of powers.. 52
one department to infringe the powers of another, legislative department..... 53
qualified electors..... 53
electors free from arrest..... 54
first election by ballot, others regulated by law 54
legislative how vested and style of laws. .. 54
members of, how chosen, when chosen, qualifications, elections where held..... 54
cities, &c., when entitled to separate representation..... 54
enumeration and apportionment..... 55
the number of representatives, etc..... 55
senators how apportioned,–senators how chosen when two or more counties,–senators qualifications 55

CONSTITUTION—officers of senate and house of representatives..... 55
quorum, power to send for absentees..... 55
power to expel, make rules, &c..... 55
journals and right to call yeas and nays by three members..... 56
vacancies in either house how filled..... 56
senators and representatives free of arrest.... 56
power to punish persons not members, etc..... 57
doors of each house to be kept open, except, &c 57
adjournment, bills how originated, etc..... 57
compensation of members..... 57
eligibility of members to offices created..... 57
officers of this State and the Confederate States not eligible..... 58
defaulters not eligible..... 58
first election for senators and representatives, seat of government..... 58
residence of public officers..... 58
judicial department, power where vested..... 58
High Court of Errors and Appeals how elected, term of office, jurisdiction..... 59
vacancies how filled, qualification of judges, court where held..... 59
first election terms fixed by lot..... 59
where judges disqualified to try, and others appointed in such case..... 59
salaries of judges of high court..... 60
circuit court judge how elected, term, &c..... 60
qualifications, circuits, jurisdiction..... 60
courts where and how often held 60
judges to interchange circuits, compensation... 60
chancery court, jurisdiction, style of process, &c 60
court of probates, jurisdiction, how elected.... 61
clerks of courts, how appointed..... 61
board of police, jurisdiction, clerks..... 61
qualification of members of police, vacancies.. 61
conservators of the peace..... 61
justices, constables, manner of election, tenure of office, etc..... 61
power of legislature over inferior courts..... 62
attorney-general, contested elections..... 62
removal of judges, officers indictable..... 62
executive, term of office, how elected..... 63
in case of tie, contested election..... 63

CONSTITUTION—commander-in-chief 63
may require information of officers 63
may convene and adjourn legislature 63
governor to give information to legislature 64
see laws executed, pardon offences, &c 64
commission how issued, seal of State 64
vacancies how filled 65
Secretary of State how chosen 64
Governor to sign bills or return with objection 65
bills returned how disposed of 65
what action of the legislature to be approved by the governor 65
when office of governor vacant who to act, further provisions for same 65
compensation of acting governor 65
county officers 65
treasurer and auditor how chosen 66
militia officers, how elected, power of governor over 66
impeachment, extent of, who liable to 66
general provisions, oath of office 67
legislature pass laws to prevent duelling 67
treason, convictions for, how had 67
bribery at elections punishable 67
convicts for bribery to be excluded from office .. 67
free suffrage how maintained 67
atheist not to hold office 68
laws when to take effect 68
money, how drawn from the treasury 68
how appropriated to internal improvement 68
State loans how effected 68
legislature to authorize State to be sued 69
citizenship, absence from State 69
deductions from salaries of officers, &c 69
who disqualified from office 69
schools and education 69
divorces, how obtained 69
election returns, new counties 69
Indians admitted to citizenship 69
emancipation 70
emigrants may bring slaves with them 70
slaves convicted of crime not to be imported .. 70
laws may be passed for the treatment of slaves 70
laws may regulate introduction of slaves 70
certain crimes in slaves how tried 70

CONSTITUTION—constituiion how revised, amended, &c. 71
schedule, rights vested. 71
suits in law and equity, how transferred 71
laws in force 71
first election under this constitution. 71
how long officers first elected to office. 72

AMENDMENTS.

regulating the introduction of slaves. 72
board of police, how constituted. 73
powers of board of police. 73
chancery jurisdiction, its powers transferred. . . 73
extension of term of office 73
additional bond required. 73
time of holding general election. 74
in relation to terms of office of members of the legislature. 75
amendments by the State Convention. 75
ORDINANCES—to adopt and ratify the Constitution adopted by the Convention at Montgomery, Alabama. 76
appointing representatives in the Provisional Congress of the Confederate States. 78
in relation to lands in the State of Mississippi belonging to Indian orphans 78
to define the power of the legislature of this State, in relation to the ordinances and resolutions adopted by this Convention. 79
for the relief of certain counties of this State. 80
in relation to the Secretary of the Convention.. 82
to authorize the Governor of the State of Mississippi to transfer volunteers to the service of the Confederate States 82
in relation to Marine Hospital at Vicksburg. . . 85
to provide a Coat of Arms and Flag for the State of Mississippi. 86
to authorize the entry and sale of waste and unappropriated lands in the State of Mississippi. 88
to revise and amend the law in relation to Foreign Insurance companies. 90
to provide for the appointment of electors for President and Vice President of the Confederate States of America. 91

ORDINANCES—to alter and modify the ordinance, entitled, "an ordinance concerning the jurisdiction and property of the United States of America, in the State of Mississippi.". 92
supplemental to an ordinance, entitled an ordinance to raise means for the defense of the State," adopted the 26th day of January, A. D. 1861.. 93
making certain appropriations therein named... 93
RESOLUTION—in relation to the organization of the Permanent Government under the Constitution of the Confederate States 86
authorizing the President of the Convention to issue certificates in favor of Samuel Benton, H. W. Walton, James R. Chalmers, and Israel Welsh..... 84
in relation to the State of Mississippi subscribing for five hundred copies of the proceedings, debates, &c., as published by J. L. Power 83
in relation to the Mississippi volunteers..... 84
in relation to the publication of the Journals and Ordinances of the present cession of the convention 85
in relation to certain volunteer companies therein named 94
authorizing the Auditoor of Public Accounts to issue duplicate warrants to W. T. Huggins Thos. M. Blackwell..... 83